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THE AMERICAN NATION
A HISTORY

FROM ORIGINAL SOURCES BY ASSOCIATED SCHOLARS

EDITED BY

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THE AMERICAN NATION
A HISTORY

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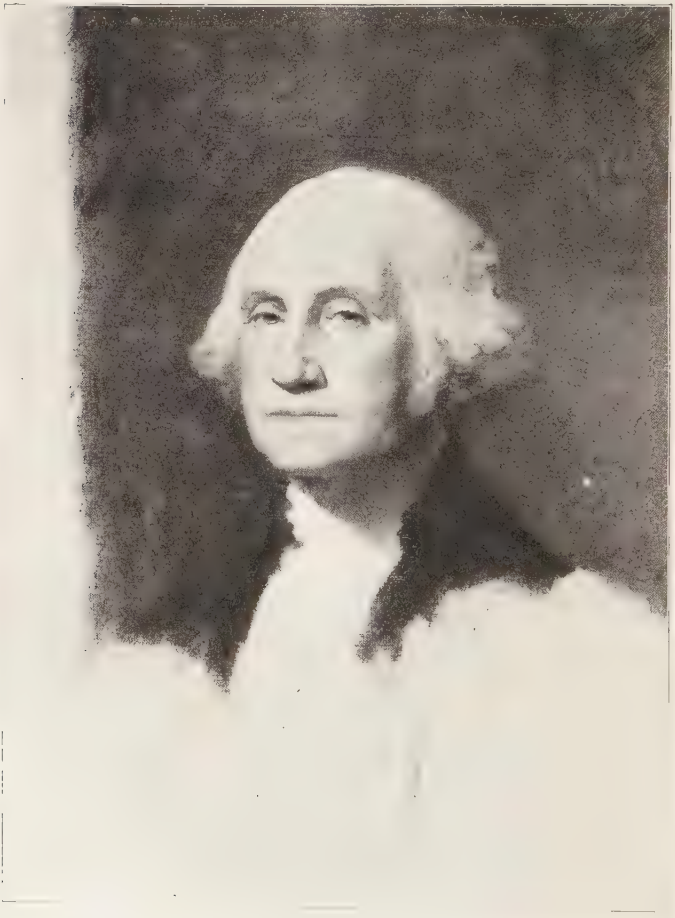

GEORGE WASHINGTON

THE AMERICAN NATION: A HISTORY

VOLUME 9

THE AMERICAN REVOLUTION

1776–1783

BY

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TO

MY WIFE

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EDITOR'S INTRODUCTION

NO more difficult task can be found in the twenty-six volumes of *The American Nation* than to write a fresh and original account of the Revolution. In order to clear the way, the beginnings of that struggle have been treated in a separate volume, Howard's *Preliminaries of the Revolution* (vol. VIII.), and this volume stops practically with the end of the Revolutionary War, leaving the peace negotiations to McLaughlin's *Confederation and Constitution* (vol. X.). By thus taking up the story substantially at the battle of Lexington and Concord, and closing with the capture of Cornwallis in 1781, it becomes physically possible to describe the Revolution in one volume.

In organizing his material the author has recognized the parallel claims of the civil and the military struggle, and has ingeniously interwoven the two things. The first chapter on fundamental and immediate causes is a brief review of the period covered by the previous volume. Then follow two chapters on the outbreak of war and the organization of the army. The next chapters (iv. to vi.) are given up to a study of independence in

its development and acceptance, in which the author makes clear his convictions as to the historical origin of the sovereignty of the states and its relation to the general revolutionary government of the time.

After independence come two chapters describing the campaign of 1776, from Long Island to the Delaware. Chapter ix. is wholly devoted to the new state governments of this period. Chapter x. is on the campaigns of 1777. Chapter xi. returns to the civil side in describing the creation of the Confederation. Chapters xii. and xiii. are on the French treaty and the campaigns of 1778. This seems to be a convenient place for a chapter (xiv.) on the Tories. In chapter xv. the growth of the West during the Revolution is traced; it fits closely with chapter xiii. of Howard's *Preliminaries of the Revolution*, and chapters vii. and viii. of McLaughlin's *Confederation and Constitution*. Chapters xvi. and xvii. resume the military operations and carry them to the end of the hostilities.

No writer in the series has had such a mass of literature to explore and select, and the Critical Essay on Authorities will be found a very convenient summary of the best of that literature.

The fundamental thought of this volume is that the Revolution was a close struggle, in which the Americans suffered from inexperience and from the difficulty of securing common action, and the British from ineptitude; that to a large degree it

was also a civil war, in which the Tories in actual numbers were not far inferior to the patriots; that it was further a remarkable school of political science from which emerged trained statesmen, vigorous state governments, and a weak and ineffectual national government. The point of view of the author as to the relative origins of the states and the nation is his own; it is no part of the scheme of the series to adjust the conclusions of the individual writers to the editor's frame of mind.

AUTHOR'S PREFACE

AT the present time there exists more literature devoted to the American Revolution than to any other period in our history, and its very extent increases the difficulty of writing upon the subject. While the military side of the struggle has been almost exhaustively treated, there yet remains, notwithstanding much good work, many political, social, and constitutional questions which have been only superficially studied. The problems of writing this volume have been therefore those of condensation, of giving proper proportions to the several phases of the Revolution, and of getting a fuller understanding of those questions which have been neglected. I have sought to portray the struggle not as a mere fight between England and America, but, as it really was, a civil war between opposing political factions in the British Empire. That these factions were not divided by the ocean is clearly shown in the bitter internecine war between Whig and Tory in America, and by the stubborn parliamentary struggle in England.

The fundamental reason why America changed the conflict from a strife for political liberty to one for in-

THE
AMERICAN REVOLUTION

THE AMERICAN REVOLUTION

CHAPTER I

FUNDAMENTAL AND IMMEDIATE CAUSES (1763–1775)

NOT a clause in the Declaration of Independence sets forth the real and underlying cause of the American Revolution. The attention of its writer was bent upon recent events, and he dwelt only upon the immediate reasons for throwing off allegiance to the British government. In the dark of the storm already upon them, the men of the time could hardly look with clear vision back to ultimate causes. They could not see that the English kings had planted the seeds of the Revolution when, in their zeal to get America colonized, they had granted such political and religious privileges as tempted the radicals and dissenters of the time to migrate to America. Only historical research could reveal the fact that from the year 1620 the English government had been systemati-

cally stocking the colonies with dissenters and retaining in England the conformers. The tendency of colonization was to leave the conservatives in England, thus relatively increasing the conservative force at home, while the radicals went to America to fortify the radical political philosophy there. Thus England lost part of her potentiality for political development.

Not only were radicals constantly settling in the colonies, because of the privileges granted them there, but the crown neglected to enforce in the colonies the same regulations that it enforced at home. The Act of Uniformity was not extended to the colonies, though rigidly enforced in England; the viceregal officers, the governors, permitted themselves again and again to be browbeaten and disobeyed by the colonial legislatures;[1] and even the king himself had allowed Massachusetts (1635) to overreach him by not giving up her charter.[2]

After a century of great laxity towards the colonies—a century in which the colonists were favored by political privileges shared by no other people of that age; after the environment had established new social conditions, and remoteness and isolation had created a local and individual hatred of restraint; after the absence of traditions had made possible the institution of representation by population, and self-government had taken on a

[1] Greene, *The Provincial Governor*, passim.
[2] Barry, *Hist. of Mass.*, I., 288–295.

new meaning in the world; after a great gulf had been fixed between the social, political, and economic institutions of the two parts of the British empire—only then did the British government enter upon a policy intended to make the empire a unity.[1]

Independence had long existed in spirit in most of the essential matters of colonial life, and the British government had only to seek to establish its power over the colonies in order to arouse a desire for formal independence. The transition in England, therefore, to an imperial ideal, about the middle of the eighteenth century, doubtless caused the rending of the empire. Walpole and Newcastle, whose administrations had just preceded the reign of George III., had let the colonies alone, and thus aided the colonial at the expense of the imperial idea; while their successors, Grenville and Townshend, ruling not wisely but too well, forced the colonists to realize that they cared more for America than for England.

The time had come, though these ministers failed to see it, when the union of Great Britain with her colonies depended on the offspring's disposition towards the mother-country. Good feeling would preserve the union, but dissatisfaction would make even forcible control impossible. Social and political and economic ties still bound the colonists to the home land, but these were weak ties as compared

[1] For a detailed study of this subject, see Howard, *Preliminaries of the Revolution* (*American Nation*, VIII.).

with an irrepressible desire for self-growth. The expression of their political ideals unrestrained by the conservatism of the parent was a desired end to which they strove, almost unconscious of their object.

To understand the American Revolution, therefore, several facts must be clearly in mind—first, that Great Britain had for one hundred and fifty years been growing to the dignity of an empire, and that the thirteen colonies were a considerable part of that empire; second, the colonies had interests of their own which were not favored by the growing size and strength of the empire. They were advancing to new political ideals faster than the mother-country. Their economic interests were becoming differentiated from those of England. They were coming to have wants and ambitions and hopes of their own quite distinct from those of Great Britain.

At the fatal time when the independent spirit of America had grown assertive, the politically active part of the British people began unconsciously to favor an imperial policy, which their ministers suggested, and which to them seemed the very essence of sound reasoning and good government. They approved of the proposed creation of executives who should be independent of the dictation of the colonial assemblies. There were also to be new administrative organs having power to enforce the colonial trade regulations; and the defensive system of the colonies was to be improved by a force of reg-

ular troops, which was in part to be supported by colonial taxes.

In order to accomplish these objects, the king's new minister, the assiduous Grenville, who knew the law better than the maxims of statesmanship, induced Parliament, in March, 1764, to resolve upon "certain stamp duties" for the colonies. A year later the "Gentle Shepherd," as Pitt had dubbed him, proved his watchfulness by getting a stamp act passed,[1] which, though nearly a duplicate of one in force in England, and like one of Massachusetts' own laws, nevertheless aroused every colony to violent wrath.

This sudden flame of colonial passion rose from the embers of discontent with Grenville's policy of enforcing the trade or navigation laws—those restrictions upon colonial industries and commerce which were the outgrowth of a protective commercial policy which England had begun even before the discovery of America.[2] As the colonies grew they began to be regarded as a source of wealth to the mother-country; and, at the same time that bounties were given them for raising commodities desired by England, restrictions were placed upon American trade.[3] When the settlers of the northern

[1] 5 George III., chap. xii., given in Macdonald, *Select Charters*, 281. [2] Beer, *Commercial Policy of England*, 10–13.

[3] For details and exact references to laws, see Channing, *The Navigation Laws*, in Amer. Antiq. Soc., *Proceedings*, new series, VI. For discussion, see Andrews, *Colonial Self-Government*, chap. i.; Greene, *Colonial Commonwealths* (*American Nation*, V., VI.).

and middle colonies began manufacturing for themselves, their industry no sooner interfered with English manufactures than a law was passed to prevent the exportation of the production and to limit the industry itself. This system of restrictions, though it necessarily established a real opposition of interest between America and England, does not seem on the whole to have been to the disadvantage of the colonies;[1] nor was the English colonial system a whit more severe than that of other European countries.

In 1733, however, the Molasses Act went into effect,[2] and, had it been enforced, would have been a serious detriment to American interests. It not only aimed to stop the thriving colonial trade with the Dutch, French, and Spanish West Indies, but was intended to aid English planters in the British West Indies by laying a prohibitive duty on imported foreign sugar and molasses. It was not enforced, however, for the customs officials, by giving fraudulent clearances, acted in collusion with the colonial importers in evading the law; but, in 1761, during the war with France, the thrifty colonists carried on an illegal trade with the enemy, and Pitt demanded that the restrictive laws be enforced.

The difficulty of enforcing was great, for it was hard to seize the smuggled goods, and harder still to convict the smuggler in the colonial courts. Search-

[1] Beer, *Commercial Policy of England*, chap. vii.
[2] 6 George II., chap. xiii.

warrants were impracticable, because the legal manner of using them made the informer's name public, and the law was unable to protect him from the anger of a community fully in sympathy with the smugglers. The only feasible way to put down this unpatriotic trade with the enemy was to resort to "writs of assistance," which would give the customs officers a right to search for smuggled goods in any house they pleased.[1] Such warrants were legal, had been used in America, and were frequently used in England;[2] yet so highly developed was the American love of personal liberty that when James Otis, a Boston lawyer, resisted by an impassioned speech the issue of such writs his arguments met universal approval.[3] In perfect good faith he argued, after the manner of the ancient law-writers, that Parliament could not legalize tyranny, ignoring the historical fact that since the revolution of 1688 an act of Parliament was the highest guarantee of right, and Parliament the sovereign and supreme power. Nevertheless, the popularity of Otis's argument showed what America believed, and pointed very plainly the path of wise statesmanship.

When, in 1763, the Pontiac Indian rebellion endangered the whole West and made necessary a force of soldiers in Canada, Grenville, in spite of the recent warning, determined that the colonies should

[1] Macdonald, *Select Charters*, 259.
[2] Lecky, *American Revolution* (Woodburn's ed.), 48.
[3] J. Adams, *Works*, II., 523–525.

share the burden which was rapidly increasing in England. He lowered the sugar and molasses duties,[1] and set out to enforce their collection by every lawful means. The trouble which resulted developed more quickly in Massachusetts, because its harsh climate and sterile soil drove it to a carrying-trade, and the enforced navigation laws were thought to threaten its ruin. It was while American economic affairs were in this condition that Grenville rashly aggravated the discontent by the passage of his Stamp Act.

As the resistance of the colonies to this taxation led straight to open war and final independence, it will be worth while to look rather closely at the stamp tax, and at the subject of representation, which was at once linked with it. The terms of the Stamp Act are not of great importance, because, though it did have at least one bad feature as a law, the whole opposition was on the ground that there should be no taxation whatever without representation. It made no difference to its enemies that the money obtained by the sale of stamps was to stay in America to support the soldiers needed for colonial protection. Nothing would appease them while the taxing body contained no representatives of their own choosing.

To attain this right, they made their fight upon legal and historical grounds—the least favorable they could have chosen. They declared that, under

[1] 4 George III., chap. xv.

the British constitution, there could be no taxation except by persons known and voted for by the persons taxed. The wisest men seemed not to see the kernel of the dispute. A very real danger threatened the colonies—subject as they were to a body unsympathetic with the political and economic conditions in which they were living—but they had no legal safeguard.[1] They must either sever the existing constitutional bond or get Parliament of its own will to limit its power over the colonies. All unwittingly the opponents of the Stamp Act were struggling with a problem that could be solved only by revolution.

Two great fundamental questions were at issue: Should there be a British empire ruled by Parliament in all its parts, either in England or oversea? or should Parliament govern at home, and the colonial assemblies in America, with only a federal bond to unite them? Should the English understanding of representation be imposed upon the colonies? or should America's institution triumph in its own home? If there was to be a successful imperial system, Parliament must have the power to tax all parts of the empire. It was of no use to plead that Parliament had never taxed the colonies before, for, as Dr. Johnson wrote, "We do not put a calf into the plough: we wait till it is an ox."[2] The colonies were strong enough to stand taxation now, and the

[1] Osgood, in *Political Science Quarterly*, XIII., 45.
[2] Lecky, *American Revolution* (Woodburn's ed.), 64.

reasonable dispute must be as to the manner of it. To understand the widely different points of view of Englishmen and Americans, we must examine their systems of representative government.

In electing members to the House of Commons in England certain ancient counties and boroughs were entitled to representation, each sending two members, regardless of the number of people within its territory. For a century and a half before the American Revolution only four new members were added to the fixed number in Parliament. Meanwhile, great cities had grown up which had no representation, though certain boroughs, once very properly represented, had become uninhabited, and the lord who owned the ground elected the members to Parliament, taking them, not from the district represented, but from any part of the kingdom. The franchise was usually possessed either by the owners of the favored pieces of land or in the boroughs chiefly by persons who inherited certain rights which marked them as freemen. A man had as many votes as there were constituencies in which he possessed the qualifications.

In the colonial assemblies there was a more distinct territorial basis for representation, and changes of population brought changes of representation. New towns sent new members to the provincial assembly, and held the right to be of great value. All adult men—even negroes in New England—owning a certain small amount of property could

vote for these members. In the South only the landholders voted, but the supply of land was not limited, as in England, and it was easily acquired. Finally, the voter and the representative voted for must, as a rule, be residents of the same district. From the first the colonial political ideals were affected by new conditions. When they established representative government they had no historic places sanctified by tradition to be the sole breeding-places of members of Parliament.

Backed by such divergent traditions as these, the two parts of the British empire, or, more accurately, the dominant party in each section of the empire, faced each other upon a question of principle. Neither could believe in the honesty of the other, for each argued out of a different past. The opponents of the Stamp Act could not understand the political thinking which held them to be represented in the British Parliament. "No taxation without representation" meant for the colonist that taxes ought to be levied by a legislative body in which was seated a person known and voted for by the person taxed. An Englishman only asked that there be "no taxation except that voted by the House of Commons." He was not concerned with the mode of election to that house or the interests of the persons composing it. The colonist called the Stamp Act tyranny, but the British government certainly intended none, for it acted upon the theory of virtual representation, the only kind of representation en-

joyed by the great mass of Englishmen either at home or in the colonies. On that theory nothing was taxed except by the consent of the virtual representatives of those taxed. But, replied an American, in England the interests of electors and non-electors are the same. Security against any oppression of non-electors lies in the fact that it would be oppressive to electors also; but Americans have no such safeguard, for acts oppressive to them might be popular with English electors.[1]

When the news of the Stamp Act first came over-sea there was apparent apathy. The day of enforcement was six months away, and there was nothing to oppose but a law. It was the fitting time for an agitator. Patrick Henry, a gay, unprosperous, and unknown country lawyer, had been carried into the Virginia House of Burgesses on the public approval of his impassioned denial, in the "Parson's Cause" (1763), of the king's right to veto a needed law passed by the colonial legislature. He now offered some resolutions against the stamp tax, denying the right of Parliament to legislate in the internal affairs of the colony.[2] This "alarum bell to the disaffected," and the fiery speech which secured its adoption by an irresolute assembly, were applauded everywhere. Jefferson said of Henry, that he "spoke as Homer wrote."

As soon as the names of the appointed stamp-dis-

[1] Dulany, in Tyler, *Lit. Hist. of Am. Rev.*, I., 104–105.
[2] *Life, Correspondence, and Speeches of Patrick Henry*, I., 84–89.

tributers were made known (August 1, 1765) the masses expressed their displeasure in a way unfortunately too common in America. Throughout the land there was rifling of stamp-collectors' houses, threatening their lives, burning their records and documents, and even their houses. Their offices were demolished and their resignations compelled—in one case under a hanging effigy, suggestive of the result of refusal. The more moderate patriots cancelled their orders with British merchants, agreed not to remit their English debts, and dressed in homespun to avoid wearing imported clothes.

On the morning that the act went into effect (November 1, 1765) bells tolled the death of the nation. Shops were shut, flags hung at half-mast, and newspapers appeared with a death's-head where the stamp should have been. Mobs burned the stamps, and none were to be had to legalize even the most solemn and important papers. The courts ignored them and the governors sanctioned their omission. None could be used, because none could be obtained. All America endorsed the declaration of rights of the Stamp-Act Congress, which met in New York, October, 1765. It asserted that the colonists had the same liberties as British subjects. Circumstances, they declared, prevented the colonists from being represented in the House of Commons, therefore no taxes could be levied except by their respective legislatures.[1]

This great ado was a complete surprise to the

[1] Hart, *Contemporaries*, II., 402.

British government. On the passage of the Stamp Act, Walpole had written,[1] "There has been nothing of note in Parliament but one slight day on the American taxes." That expressed the common conception of its importance; and when the Grenville ministry fell (July, 1765), and was succeeded by that of Rockingham, the American situation had absolutely nothing to do with the change. The new ministry was some months in deciding its policy. The king was one of the first to realize the situation, which he declared "the most serious that ever came before Parliament" (December 5, 1765). Weak and unwilling to act as the new ministry was, the situation compelled attention. The king at first favored coercion of the rebellious colonies, but the English merchants, suffering from the suspended trade, urged Parliament to repeal the act. Their demand decided the ministry to favor retraction, just as formerly their influence had forced the navigation laws and the restrictions on colonial manufactures. If the king and landed gentry were responsible for the immediate causes of the Revolution, the influence of the English commercial classes on legislation was the more ultimate cause.

After one of the longest and most heated debates in the history of Parliament, under the advice of Benjamin Franklin, given at the bar of the House of Commons,[2] and with the powerful aid of Pitt and

[1] *Walpole's Letters*, February 12, 1765.
[2] Franklin, *Works* (Sparks's ed.), IV., 161–198.

Camden, the Stamp Act was repealed. Another act passed at the same time asserted Parliament's power to legislate for the colonies in all cases whatsoever.[1] Thus the firebrand was left smouldering amid the inflammable colonial affairs; and Burke was quick to point out that the right to tax, or any other right insisted upon after it ceased to harmonize with prudence and expediency, would lead to disaster.[2]

It is plain to-day that the only way to keep up the nominal union between Great Britain and her colonies was to let them alone. The colonies felt strongly the ties of blood, interest, and affection which bound them to England.[3] They would all have vowed, after the repeal of the Stamp Act, that they loved their parent much more than they loved one another. They felt only the normal adult instinct to act independently. Could the British government have given up the imperial idea to which it so tenaciously clung, a federal union might have been preserved.

The genius of dissolution, however, gained control of the ministry which next came into power. When illness withdrew Pitt from the "Mosaic Ministry," which he and Grafton had formed, Townshend's brilliant talents gave him the unquestioned lead. This man, who is said to have surpassed Burke in wit and Chatham in solid sense, determined to try again to tax the colonies for imperial purposes.[4] He

[1] 6 George III., chap. xii.
[2] Morley, *Burke*, 146.
[3] Franklin, *Works* (Sparks's ed.), IV., 169.
[4] Walpole, *Memoirs of George III.*, II., 275, III., 23–27.

ridiculed the distinction between external and internal tax; but since the colonists had put stress on the illegality of the latter he laid the new tax on imported articles, and prepared to collect at the custom-houses. The income was to pay the salaries of colonial governors and judges, and thus render them independent of the tyrannical and contentious assemblies. Writs of assistance, so effective in enforcing the revenue laws, but so hated by the colonists, were legalized. The collection of the revenue was further aided by admiralty courts, which should try the cases without juries, thus preventing local sympathy from shielding the violators of the law.[1]

All the indifference into which America had relapsed, and which the agitators so much deplored, at once disappeared. The right of trial by jury was held to be inalienable. The control of the judiciary and executive by the people was necessary to free government, asserted the pamphleteers. Parliament could not legalize "writs of assistance," they rashly cried. The former stickling at an internal tax was forgotten, and they objected to any tax whatever—a more logical position, which John Dickinson, of Pennsylvania, supported by the assertion "that any law, in so far as it creates expense, is in reality a tax." Samuel Adams drew up a circular letter, which the Massachusetts assembly despatched to the other

[1] 7 George III., chaps. xli., xlvi., lvi. See Macdonald, *Select Charters*, 320–330.

colonial assemblies, urging concerted action against this new attack on colonial liberties.[1] The British government, through the colonial governors, attempted to squelch this letter, but the Massachusetts assembly refused to rescind, and the other colonies were quick to embrace its cause.

Signs were not wanting that the people as well as the political leaders were aroused. When the customs officials, in 1768, seized John Hancock's sloop *Liberty*, for alleged evasion of the customs duties, there was a riot which so frightened the officers that they fled to the fort and wrote to England for soldiers.

This and other acts of resistance to the government led Parliament to urge the king to exercise a right given him by an ancient act to cause persons charged with treason to be brought to England for trial. The Virginia assembly protested against this, and sent their protest to the other colonies for approval.[2] The governor dissolved the assembly, but it met and voted a non-importation agreement, which also met favor in the other colonies. This economic argument again proved effective, and the Townshend measures were repealed, except the tax on tea; Parliament thus doing everything but remove the offence—"fixing a badge of slavery upon the Americans without service to their masters."[3] The

[1] Samuel Adams, *Writings* (Cushing's ed.), I., 184.
[2] Hutchinson, *Hist. of Massachusetts Bay*, III., 494.
[3] Junius (ed. of 1799), II., 31.

old trade regulations also remained to vex the colonists.

In order that no disproportionate blame may be attached to the king or his ministry for the bringing on of the Revolution, it must be noted that the English nation, the Parliament, and the king were all agreed when the sugar and stamp acts were passed; and though Parliament mustered a good-sized minority against the Townshend acts, nevertheless no unaccustomed influence in its favor was used by the king. Thus the elements of the cloud were all gathered before the king's personality began to intensify the oncoming storm. The later acts of Parliament and the conduct of the king had the sole purpose of overcoming resistance to established government. Most of these coercive acts, though no part of the original policy, were perfectly constitutional even in times of peace. They must be considered in their historical setting, however, just as President Lincoln's extraordinary acts in a time of like national peril. Henceforth we are dealing with the natural, though perhaps ill-judged, efforts of a government to repress a rebellion.

After the riot which followed the seizure of the *Liberty* (June, 1768), two regiments of British soldiers were stationed in Boston. The very inadequacy of the force made its relations with the citizens strained, for they resented without fearing it. After enduring months of jeering and vilification, the soldiers at last (March 5, 1770) fired

upon a threatening mob, and four men were killed. Much was made of the "massacre," as it was called, because it symbolized for the people the substitution of military for civil government. A Boston jury acquitted the soldiers, and, after a town-meeting, the removal of the two regiments was secured.

A period of quiet followed until the assembly and the governor got into a debate over the theoretical rights of the colonists. To spread the results of this debate, Samuel Adams devised the "committees of correspondence,"[1] which kept the towns of Massachusetts informed of the controversy in Boston. This furnished a model for the colonial committees of correspondence, which became the most efficient means for revolutionary organization. They created public opinion, set war itself in motion, and were the embryos of new governments when the old were destroyed.

The first provincial committee that met with general response from the other colonies was appointed by Virginia, March 12, 1773, to keep its assembly informed of the "*Gaspee* Commission."[2] The *Gaspee* was a sort of revenue-cutter which, while too zealously enforcing the Navigation Acts, ran aground (June 9, 1772) in Narragansett Bay. Some Providence men seized and burned the vessel, and the British government appointed a commission to inquire into

[1] Collins, *Committees of Correspondence* (Amer. Hist. Assoc., *Report*, 1901), I., 247.
[2] *Va. Cal. of State Pap.*, VIII., 1–2.

the affair.[1] The commission met with universal opposition and had to report failure.

From this time on the chain of events that led to open rebellion consists of a series of links so plainly joined and so well known that they need only the barest mention in this brief introduction to the actual war. The British government tried to give temporary aid to the East India Company by remitting the heavy revenue on tea entering English ports, through which it must pass before being shipped to America, and by licensing the company itself to sell tea in America.[2] To avoid yielding the principle for which they had been contending, they retained at colonial ports the threepenny duty, which was all that remained of the Townshend revenue scheme. Ships loaded with this cheap tea came into the several American ports and were received with different marks of odium at different places. In Boston, after peaceful attempts to prevent the landing proved of no avail, an impromptu band of Indians threw the tea overboard, so that the next morning saw it lying like sea-weed on Dorchester beach.

This outrage, as it was viewed in England, caused a general demand for repressive measures, and the five "intolerable acts" were passed and sent oversea to do the last irremediable mischief.[3] Boston's port

[1] *R. I. Col. Records*, VII., 81, 108.

[2] Farrand, "Taxation of Tea," in *Amer. Hist. Review*, III., 269.

[3] Macdonald, *Select Charters*, 337–356; Force, *Am. Archives*, 4th series, I., 216.

was closed until the town should pay for the tea. Massachusetts' charter was annulled, its town-meetings irksomely restrained, and its government so changed that its executive officers would all be under the king's control. Two other acts provided for the care and judicial privileges of the soldiers who soon came to enforce the acts. Finally, great offence was given the Protestant colonies by granting religious freedom to the Catholics of Quebec, and the bounds of that colony were extended to the Ohio River,[1] thus arousing all the colonies claiming Western lands. Except in the case of Virginia, there was no real attack on their territorial integrity, but in the excitement there seemed to be.

Some strong incentive for the colonies to act together had long been the only thing needed to send the flame of rebellion along the whole sea-coast. When the British soldiers began the enforcement of the punishment meted to Boston, sympathy and fear furnished the common bond. After several proposals of an intercolonial congress, the step was actually taken on a call from oppressed Massachusetts (June 17, 1774).[2] Delegates from every colony except Georgia met in Philadelphia in September, 1774. Seven of the twelve delegations were chosen not by the regular assemblies, but by revolutionary conventions called by local committees; while in

[1] "Quebec Act and the American Revolution," in *Yale Review*, August, 1895.

[2] Force, *Am. Archives*, 4th series, I., 421.

Massachusetts, Rhode Island, and Connecticut, three of the remaining five states, the assemblies that sent the delegates were wholly dominated by the revolutionary element. Local committees may, therefore, be said to have created the congress, and they would now stand ready to enforce its will.

The assembled congress adopted a declaration of rights, but their great work was the forming an American association to enforce a non-importation and non-consumption agreement.[1] Local committees were to see that all who traded with England or refused to associate were held up as enemies of their country. The delegates provided for a new congress in the following May, and adjourned.

Meanwhile, General Gage and his "pretorian guard" in Boston were administering the government of Massachusetts with noteworthy results. A general court of the colony was summoned by Gage, who, repenting, tried to put it off; but it met, formed a provincial congress, and, settling down at Cambridge, governed the whole colony outside of Boston. It held the new royal government to be illegal, ordered the taxes paid to its own receiver instead of Gage's, and organized a militia. Gage at last determined to disarm the provincials. His raid to destroy the stores at Concord (April 19, 1775) resulted in an ignominious retreat and the loss of two hundred and seventy-three men, to say nothing of bringing sixteen thousand patriots swarming about Boston.

[1] Macdonald, *Select Charters*, 356, 362.

CHAPTER II

OUTBREAK OF WAR

(1775)

THOUGH mainly social and economic forces brought the revolution to the stage of open warfare, a Massachusetts politician had so used these forces that both his friends and enemies thought the blame or the honor to be his. Samuel Adams began to desire independence as early as 1768. From that time it was his unwearying effort to keep alive the opposition to the British ministry. For years he sought to instil in the minds of rising youths the notion of independence. His adroit mind, always awake and tireless, toiled for but one end; and he was narrow-minded enough to be a perfect politician. Two opposing views could never occupy his mind at the same time. For sharp practices he had no aversion, but he used them for public good, as he saw it, and not for private gain. He was a public servant, great or small, from his earliest manhood—as inspector of chimneys, tax-collector, or moderator of town-meetings. He was ever a failure in business; in politics, shrewd and able. The New England town-meeting was the

theatre of his action;[1] he directed the Boston meetings, and the other towns followed. His tools were men. He was intimate with all classes, from the ship-yard roustabouts to the ministers of the gospel. In the canvass and caucus he was supreme. Others were always in the foreground, thinking that theirs was the glory. An enemy said that he had an unrivalled "talent for artfully and fallaciously insinuating" malice into the public mind. A friend dubbed him the "Colossus of debate." He was ready in tact and cool in moments of excitement; his reasoning and eloquence had a nervous simplicity, though there was little of fire, and he was sincere rather than rhetorical.

Adams was of medium stature, but in his most intense moments he attained to a dignity of figure and gesture. His views were clear and his good sense abundant, so that he always received profound attention. Prematurely gray, palsied in hand, and trembling in voice, yet he had a mental audacity unparalleled. He was dauntless himself, and thus roused and fortified the people. Nor were his efforts confined to the town-meeting, for he was also a voluminous newspaper writer. He showed no tolerance for an opponent, and his attacks were keenly felt. "Damn that Adams. Every dip of his pen stings like a horned snake," cried an enemy. Thus he went on canvassing, caucusing, haranguing, and writing until the maddened Gage attempted to

[1] Wells, *Samuel Adams*, I.

seize him and the munitions of war which he and his fellow-politicians had induced the colony to collect. Concord and Lexington and the pursuit into Boston were the results.

At the close of that long day of fighting (April 19, 1775) it was plain that war had begun, and the Massachusetts politicians who had pushed matters to that stage may well have had misgivings. A single colony could have no hope of success, and there was little in the past to make one believe that the thirteen colonies would unite even to defend their political liberties. Franklin gave a vivid picture of their different forms of government, different laws, different interests, and, in some instances, different religious persuasions and different manners.[1] Their jealousy of one another was, he declared, "so great that, however necessary a union of the colonies has long been for their common defence, . . . yet they have never been able to effect such a union among themselves." They were more jealous of each other than of England, and though plans for union had been proposed by their ablest statesmen, they had refused to consider them.[2] There were long-standing disputes between neighboring colonies over boundaries, over relations with the Indians, and over matters of trade.

The greatest danger, however, that confronted the American cause was political division on the

[1] Franklin, *Works* (Sparks's ed.), IV., 41.
[2] Franklin's Plan, in *Works* (Sparks's ed.), III., 26, 36–55.

subject of the relations with England. As the quarrel with the mother-country grew more bitter, it was seen that the British government had many friends in America who, if they did not defend the action of the ministry, at least frowned upon the violent opposition to it. They believed that America's best interests lay in the union with Great Britain. The aristocracy of culture, of dignified professions and callings, of official rank and hereditary wealth tended to side with the central government.[1] The more prosperous and contented men had no grievances, and conservatism was the character one would expect in them. They denounced the agitators as demagogues and their followers as "the mob."

Through the long ten years of unrest preceding the Revolution, these Tories, as they were called, had suffered at the hands of mobs, and now, when Gage was powerless outside of Boston, an active persecution of them began.[2] Millers refused to grind their corn, labor would not serve them, and they could neither buy nor sell. Men refused to worship in the same church with them. They were denounced as "infamous betrayers of their country." Committees published their names, "sending them down to posterity with the infamy they deserve." After the siege of Boston had begun, those who were even suspected of Toryism, as their support of the king was called, were regarded as enemies in the camp.

[1] Van Tyne, *Loyalists*, 5.

[2] *Ibid.*, chap. i.

The Massachusetts committees compelled them to sign recantations or confined them in jails for refusal. If they escaped they were pursued with hue and cry.

Some fled to other colonies, but found that, "like Cain, they had some discouraging mark upon them." In exile they learned that the patriot wrath visited their property: their private coaches were burned or pulled in pieces. A rich importer's goods were destroyed or stolen, and his effigy was hung up in sight of his house during the day and burned at night. Beautiful estates, where was "every beauty of art or nature, every elegance, which it cost years of care and toil in bringing to perfection," were laid waste. Looking upon this work of ruin, a despairing loyalist cried that the Americans were "as blind and mad as Samson, bent upon pulling the edifice down upon their heads to perish in the ruins."

The violence of the patriots' attack upon the loyalists seemed for a time to eliminate the latter from the struggle. The friends of royal power in America expected too much, and while the king's enemies were organizing they waited for him to crush the rising rebellion. They looked on with wonder as the signal flew from one local committee to another over thirteen colonies, who now needed only a glowing fact like Lexington to fuse them into one defensive whole. The news reached Putnam's Connecticut farm in a day; Arnold, at New Haven, had

it the next day, and in four days it had reached New York.[1] Unknown messengers carried it through Philadelphia, past the Chesapeake, on to Charleston, and within twenty days the news in many garbled forms was evoking a common spirit of patriotism from Maine to Georgia. It was commonly believed that America must be saved from "abject slavery" by the bands of patriots encompassing Boston.

The farmers and mechanics who had hurried from their work to drive the British from Concord into Boston were not an army. They settled down in a great half-circle around the port with a common purpose of compelling Gage to take to his ships, but with no definite plan. Confusion was everywhere. Men were coming and going, and there were no regular enlistments.[2] A few natural leaders were doing wonders in holding them together.[3] Among them the brave and courteous Joseph Warren, the warm friend of Samuel Adams and zealous comrade in the recent work of agitation, was conquering insubordination by the manly modesty and gentleness of his character. Others who were old campaigners of the French and Indian wars worked ceaselessly to bring order out of chaos.

Yet not even the fanatic zeal of the siege could banish provincial jealousies. There were as many leaders as there were colonies represented. New

[1] Force, *Am. Archives*, 4th series, II., 365–368.
[2] Hatch, *Administration of the Revolutionary Army*, 1.
[3] Frothingham, *Siege of Boston*, 100–102.

Hampshire men were led by John Stark, a hero of the French war; Connecticut men were under Israel Putnam, more picturesque as a wolf-slayer than able as a leader. Nathanael Greene, the philosophic and literary blacksmith, commanded the Rhode Island militia.[1] It was with difficulty that "the grand American army," as the Massachusetts congress called it, finally intrusted the chief command to General Artemas Ward, who, in turn, was controlled by the Massachusetts committee of safety.

Even with some organization and a leader there was little outward semblance of an army. In the irregular dress, brown and green hues were the rule. Uniforms like those of the British regulars, the hunting-shirt of the backwoodsman, and even the blankets of savages were seen side by side in the ranks of the first patriot armies. There was little distinction between officer and private.[2] Each company chose its own officers out of the ranks,[3] and the private could not understand why he should salute his erstwhile friend and neighbor or ask his permission to go home. The principle of social democracy was carried into military life to the great detriment of the service. Difference in rank was ignored by the officers themselves, who in some

[1] Frothingham, *Siege of Boston*, 99–101.

[2] Bolton, *The Private Soldier Under Washington*, 90; Force, *Am. Archives*, 4th series, III., 2.

[3] Hatch, *Administration of the Revolutionary Army*, 13, 14.

cases did menial work about camp to curry favor with their men.

Fortunately, there was in this raw militia a good leaven of soldiers seasoned and trained in the war with France. These men led expeditions to the islands of Boston Harbor in the effort to get the stock before it should be seized by the British.[1] Numerous slight engagements resulted, turning favorably, as a rule, for the patriots, and the new recruits gained courage with experience. Thus nearly two months passed away, and an elated patriot wrote that "danger and war are become pleasing, and injured virtue is now aroused to avenge herself."

The only way to drive Gage out of Boston was to seize one of the commanding hill-tops either in Dorchester or Charlestown, whence they might open a cannonade on the city. Gage saw this danger, and with the arrival of reinforcements under Howe, Clinton, and Burgoyne a plan was made to get control of the dangerous hill-tops. With ten thousand well-equipped soldiers to pit against an ill-trained and poorly commanded multitude of farmers the task seemed easy. After trying to terrify the rebels by threatening with the gallows all who should be taken with arms, and offering to pardon those who would lay them down, Gage prepared to execute this plan. The patriots forestalled him by sending twelve hundred men under the veteran Colonel Prescott to seize Bunker Hill, in Charlestown.

[1] Frothingham, *Siege of Boston*, 105, 106.

This force set out in the evening of June 16, 1775, pushed on past Bunker Hill, and began fortifying Breed's Hill, which better commanded Boston, but which gave the enemy a fine opportunity to cut off their retreat, and was exposed to attack in the rear. At dawn the British ships in the harbor opened an active cannonading, but reinforcements had arrived and the work of fortification had so far advanced that an attack by land was necessary. It was perfectly easy to attack in the rear, but the natural contempt of the British regulars for the raw militia prevented so sensible a solution. A direct attack in front was decided upon. The folly of such tactics was realized when two charges up the hill failed because of the Americans' deadly fire, and a third was successful only because the defenders' powder was gone. The patriots retreated with some loss across Charlestown Neck; but all that night the chaises and chariots that went to the water-side to bring home the British dead and wounded filed slowly through the streets of Boston.[1]

The English commanders now began to realize what they were to know well before the end of the war: that there were conditions in America with which Europe had never reckoned. The inhabitants of the thirteen colonies were chiefly small and independent freeholders, backwoodsmen, and hunters. The two million and a half of them contained a

[1] This paragraph is based upon the account in Fortescue, *British Army*, III.; Frothingham, *Siege of Boston*.

larger per cent. of men skilled in the use of arms than any equal number in Christendom. Frontier life had toughened their sinews and developed an individual courage, if not a sense of community. The circumstances of their domestic life encouraged a simple, earnest, and religious character, well suited to carry them through the long struggle now before them.

Added to this individual fitness for the impending war, the people of the colonies were showing a unity of purpose unknown in America before. When the time came to elect delegates to a second Continental Congress, early in 1775,[1] the radicals of every colony acted with zest. In this election the organization of the patriots proved most effective. Not only were the colonial adherents to the policy of the British ministry unorganized or subdued by persecution, but the more influential disdained to enter into a contest with the "noisy, blustering, and bellowing patriots." They did sign loyal addresses and associations countering those of the Whigs, but they did not enter into the campaign with a strong, sympathetic organization.[2]

The very conservatism and high social position held by the men who were naturally the leaders of the Tory party prevented their success in a campaign against the Whig party. Except in Virginia, the typical patriot leaders came for the most part from the middle class, and all the political ideals

[1] *Journals of Congress*, October 22, 1774.
[2] Van Tyne, *Loyalists*, 87.

that were rife in the Revolution were democratic in character.

After the Revolution passed the bounds of peaceful resistance it was distinctly a movement of the lower and middle classes. The men who had been prominent in public affairs were pushed into the background. A new set of leaders came forward, hitherto unknown, less educated, and eager for change. The very public documents became more illiterate. To the aristocratic and cultured class it seemed that the unlettered monster was unchained, and, while they waited for British power to restore the old order, they withdrew for the most part from what seemed an undignified contest.

It was by this standing aloof that the Tories failed to make their influence felt against the election of delegates to the Continental Congress. Very small proportions of the people—in some localities "not an hundredth part" [1]—turned out to vote, and in some cases only the more violent. "In one place two men met and one appointed the other delegate to Congress." [2] In North Carolina some of the representatives at the convention which appointed the delegates from that colony were chosen by committees of ten or twelve men; only a few enthusiasts seemed to be interested, and eight of the forty-four districts sent no representatives.[3]

[1] Seabury, *The Congress Canvassed*, 13, 14

[2] *Rivington's Gazette*, November 6, 1776; Stillé, *John Dickinson*, 207.

[3] *Records of North Carolina*, IX., 1042.

In Georgia only five out of the twelve parishes were represented in the provincial congress which appointed its delegates.[1] The men thus chosen refused to serve, and only the parish of St. John was at first represented.[2] In New York the loyalists were so active that in some Long Island districts there were heavy majorities against a convention for appointing delegates to the congress. Small bodies of patriots, however, relying on outside support, sent representatives to the convention,[3] who, however, felt the restraints natural to representatives of a minority.

Although the loyalists were terrorized during the period of this election, they might have voted in many cases where they only showed indifference. Thus they lost their last political opportunity. The radical leaders now had a small representative body to act upon, whose resolves and recommendations were apt to be obeyed because the colonies could, for a time, look to no other leader.

[1] Force, *Am. Archives*, 4th series, II., 279.
[2] *Journals of Congress*, May 13, 1775.
[3] Onderdonk, *Revolutionary Incidents of Long Island*, 316.

CHAPTER III

ORGANIZATION OF AN ARMY

(1775–1776)

CONSIDERING the uncertain authority of the second Continental Congress, which met at Philadelphia, May 10, 1775, their audacity will ever be a matter of wonder. Without unity in their instructions, with no power to form a government, without jurisdiction over an acre of territory, with no authority to administer government in an acre, if they had had it, with no money, no laws, and no means to execute them, they entered upon the task of regulating a society in the state of revolution.

The work of the Congress was far from unanimous. "Every important step was opposed, and carried by bare majorities."[1] The New England delegates, led by the Adamses, were regarded with suspicion by the delegates from the central and southern States. John Dickinson, the bulwark of the conservatives, boldly stood in the way of efforts to hurry the colonies into a war for independence. In the early stage he had been as fierce as any to resist oppression. It was he who formulated the "Dec-

[1] Adams, *Works*, II., 503.

laration of Rights" for the Stamp-Act Congress in 1765, and his *Letters of a Farmer*, published in 1768, had great effect in arousing the people to a sense of being wronged; yet, though he at first led and guided the resistance to taxation, he was no revolutionist, as Samuel Adams was.[1] His action was always bounded by the legal limits of the situation.

Born to wealth, with leisure to cultivate his scholarship and refine his tastes, Dickinson loved the repose of a settled order of things. He felt pressed into the service of his country by a sense of his duty to her, he said, and though he loved liberty he also loved peace. There was in him a spirit of moderation and conciliation. Though born a Quaker, he believed defensive war permissible. His own rights he would not allow to be trodden upon, nor would he invade the rights of others. He was no swaggering hero, but mild and amiable. His whole training fitted him for the part he acted. A private tutor instructed him well in the classics, and later, in London, he studied law in the Temple. There he was trained solely in English statute and common law, and as a result his later arguments in the American cause had little tendency to fall back on philosophical concepts of natural law. Still the great difference between Dickinson and the Adamses was not a difference in political

[1] Stillé, *Life and Times of John Dickinson;* John Dickinson, *Writings* (Ford's ed.), passim.

argument, but a difference in temperament, which made the Quaker lawyer hesitate at bold and revolutionary actions.

When the Bostonians destroyed the tea Dickinson doubted their wisdom. He refused to approve their violent measures. Neither the "convivial glass," as a "conversational aperient," nor even flattery could bring him to it. Then the New England men changed their epithet for him. He was no longer the "illustrious farmer," but the "piddling genius," the "timid," the "apathetic," the "deficient in energy." They sneered at his faith in the sincerity and intelligence of the British government. He held his opinion, however, in the face of unpopularity; and so frank and sincere was he, and so plain in his position, that we shall see him restored to influence in the midst of a war which he sought to prevent. For the present, in the new Congress, he fought long and steadily against the radical wishes of the Adamses.

Peyton Randolph, the president of the former congress of 1774, and at first chosen for this one,[1] was recalled to preside in his own assembly in Virginia. In choosing a new president the Congress showed Great Britain how much they valued her proscriptions, for the outlawed John Hancock was placed in the chair by the influence of Samuel Adams, who saw in the wealthy merchant's silks and velvets and splendid coach a foil for his own

[1] *Journals of Congress*, May 10, 1775.

poverty. Adams's enemies said that he had duped Hancock, whose "brains were shallow and pockets deep," into embracing the revolutionary cause. A man of wealth and social position seemed to give the lie to the Tory sneer that the Whigs were obscure, pettifogging attorneys, smugglers, and bankrupt shopkeepers.

Congress had barely organized before it was called upon to approve an act of offensive warfare.[1] Benedict Arnold, with a commission from Massachusetts, had started an expedition against Ticonderoga and Crown Point, forts on the approaches from Canada to the Hudson River of great strategic importance, and containing great stores of ammunition, much needed by the patriot army. A like expedition was at the same time planned in Connecticut, and Ethan Allen, the eccentric leader of the "Green Mountain Boys," was placed at its head.[2] Arnold overtook this latter band, and when they refused to recognize his commission he joined them as a volunteer. Hurrying on, they surprised and took Ticonderoga without a blow (May 10, 1775). If Allen, as he later asserted, demanded its surrender "in the name of the Great Jehovah and the Continental Congress," he had no right to do so, for his commission was from Connecticut, and Congress when it assembled

[1] "Samuel Ward's *Diary*," in *Magazine of American History*, I., 503.

[2] Force, *Am. Archives*, 4th series, II., 485, 584, 606; Allen's "Narrative," in De Puy, *Ethan Allen*, 213.

hesitated even to approve of Connecticut placing a garrison in Ticonderoga or in Crown Point, which surrendered at the same time to Seth Warner, another famous Vermonter.

Day by day, however, Congress passed some resolution tending to the inevitable civil war. In accomplishing this result the statesman John Adams began to forge ahead of his cousin the politician. Both were viewed with suspicion, but the former won adherents by the breadth of his understanding and his straight and simple methods. John Adams had consciously made himself ready for his work. His culture was to a large degree home- and self-made. In his own way he had a command of the humanities and of the classic authors. Looked at superficially, he seemed jealous, self-seeking, and vain. This men saw rather than his bold and active mind. Hence his manners were bad, while his judgments and measures were good. He was no strategist, but was courageous, plucky, and tenacious. Men called him a giant in debate. Jefferson speaks of his "deep conceptions, nervous style, and undaunted firmness," qualities shown, as Adams himself says, only when "animating occasion calls forth all my faculties." His public career had been consistent, because he early saw the destiny of America, and had faith in it. He was a provincial with national views. It now fell to him more than any other to lead in a statesman's way to independence and nationality.

Dickinson, with his strong hold on the middle colonies, forced a resolution through the Congress in July, 1775, to prepare a second petition to the king.[1] He had, however, to accept a compromise by which the threatened colonies were at the same time to be urged to put themselves in a state of defence. The tedious debates had gained another point also, for in the middle of June[2] Congress had assumed the Boston army and chosen a commander-in-chief. In this critical moment John Adams saw the wisdom of binding the South to New England's fortunes by choosing a Virginian to lead her army. Local prejudice would have chosen John Hancock, who was bitterly chagrined that he missed the office. At Adams's suggestion the choice fell upon Colonel George Washington, who even then sat in Congress in his uniform. Such a choice it was hoped would cement and secure the union of the colonies. Men remembered, too, that as a young surveyor, on the threshold of manhood, Washington had been sent on a dangerous mission to the Indians and to the French, who were intruding on the border. Heedless of threats and too wary for treachery, he did his task in a way that brought him renown. By saving the wreck of Braddock's army and by his conduct of the expedition against Fort Duquesne, he acquired a military repute unrivalled in America.

[1] *Journals of Congress*, June 3, 1775, July 8, 1775.
[2] *Ibid.*, June 15, 1775.

The new commander-in-chief was a stalwart man, over six feet in stature, and of well-proportioned weight. His composed and dignified manner and his majestic walk marked him an aristocrat and a masterful man. This character was heightened by a well-shaped, though not large, head set on a superb neck. His blue-gray eyes, though penetrating, were heavy-browed and widely separated, suggesting a slow and sure mind rather than wit and brilliant imagination. Passion and patience, nicely balanced, appeared in the regular, placid features, with the face muscles under perfect control. A resolutely closed mouth and a firm chin told of the perfect moral and physical courage. His clear and colorless skin never flushed even in the greatest emotion, though the face then became flexible and expressive.

In Washington's mind the directive faculties were the more marked. He had been but half educated, with no culture except that coming of good companionship. From it he had learned rather the tastes of a country gentleman—courtesy, hospitality, and a love of sport. The soundness of his judgment and the solidity of his information were the notable qualities. He had little legal learning and was too shy and diffident for effective speech. Of original statesmanship he had little, but he had "common-sense lifted to the level of genius." Believing in a course, he followed it, single-minded, just, firm, and patient. No rash action or personal caprice was

ever charged to him. He was able to bear great responsibility and courageously to meet unpopularity and misrepresentation. There was no flaw in his devotion.[1] He was "often anxious, but never despondent." "Defeat is only a reason for exertion," he wrote. "We shall do better next time." This spirit, and his gift for military administration, were the winning traits in the years to come.

On June 16, 1775, the day before the Continental army fought at Bunker Hill, Washington accepted the command in his modest way, refusing to accept any pay for his services except his actual expenses. A week later he set out from Philadelphia, and on July 3, on Cambridge Common, took command of his army. Of the sixteen thousand men about Boston, two-thirds were from Massachusetts; Connecticut furnished half the rest, while New Hampshire and Rhode Island shared the remaining fraction.[2] During July Congress added three thousand men from Pennsylvania, Maryland, and Virginia.

Washington found his army an armed mob. They had done creditable things, though in a blundering, unmilitary way. Rude lines of fortifications extended around Boston, but they were executed with crude tools and without competent engineers. A

[1] Mitchell, "Washington in His Letters," in University of Pennsylvania *Alumni Register*, March, 1903.
[2] Frothingham, *Siege of Boston*, 101.

few officers were looking after the commissary department, but there was no head. No able executive directed the recruiting and mustering service, or the barracks or hospital, and there was only a haphazard method of paying the soldiers. There was no uniform, and the very differences in costume augmented colonial jealousies and self-consciousness. Washington suggested hunting-shirts as a uniform, which would tend "to unite the men and abolish those provincial distinctions."

Of the officers commissioned by Congress to serve under Washington few were satisfied. Charles Lee, a self-lauded, English military man, thought he should have had the chief command, and not the mere major-generalship, of which he was unworthy. The adjutant-general, Gates, was another intriguing English hero who was supposed to be giving up his all for liberty.[1] Among the eight brigadier-generals there was much dissatisfaction with their relative rank, and the minor officers were not above this jealousy. Washington rebuked one fault-finder, saying that "every post ought to be deemed honorable in which a man can serve his country." The chief, whose life was "one continuous round of annoyance and fatigue," wished more than once that he were in the ranks.

The governors of New England States urged Washington to detach companies to protect their

[1] Hatch, *Administration of the Revolutionary Army*, 10, 11.

shores from British ravages. Little expeditions to Nova Scotia, Canada, and elsewhere were proposed, but Washington wisely refused to act on this advice, and thereupon was accused of inattention to public business.

The wisdom of his refusal to allow his army to be broken up, and to run the danger of defeat in small detachments, was shown in the result of an expedition to Quebec. Richard Montgomery, with about fifteen hundred men, moved down Lake Champlain, took St. John after a long siege,[1] and entered Montreal November 12, 1775. Arnold, meanwhile, had made a terrible march through the Maine forests, starting up the Kennebec with eleven hundred men and coming down the Chaudière to the St. Lawrence with about five hundred survivors.[2] After making an ineffectual attack on Quebec, Arnold awaited Montgomery, who arrived December 3 with a small body of men. Taking a desperate hazard, they attacked Quebec in a blinding snow-storm, December 31, 1775. Montgomery, leading the main attack, was killed, while Arnold, wounded, was succeeded by Morgan, who was overpowered, and the attack was repulsed.[3] In failing to take Quebec, Canada was virtually lost. It seems hardly possible, however, that the city could have been held, if captured, for the Amer-

[1] Force, *Am. Archives*, 4th series, III., 1342, 1392, 1595.
[2] Codman, *Arnold's Expedition*, 55, 133; Smith, *Arnold's March*, 232.
[3] Force, *Am. Archives*, 4th series, IV., 480.

icans had no naval power adequate to its defence.[1]

At Boston the commander-in-chief continued to push his lines forward and hope for an engagement, for he had not powder sufficient for a bombardment. The enemy refused to be drawn out, and late in September Washington wrote: "My situation is inexpressibly distressing, to see the winter fast approaching upon a naked army, the time of their service within a few weeks of expiring, and no provision yet made for such important events. . . . The military chest is totally exhausted; the paymaster has not a single dollar in hand; the commissary-general assures me that he has strained his credit, for the subsistence of the army, to the utmost. The quartermaster-general is in precisely the same situation; and the greater part of the troops are in a state not far from mutiny, upon the deduction from their stated allowance." Without immediate remedy, he feared "the army must absolutely break up." [2]

Congress finally sent a committee, which, with Washington, laid plans for a new army.[3] In the reorganization Washington was driven to madness by the whims and jealousies of the colonial troops. While Charles Lee was courting favor by praising the militia, Washington was writing a friend: "Such

[1] Fortescue, *British Army*, III., 164.
[2] Washington, *Writings* (Ford's ed.), III., 146.
[3] Force, *Am. Archives*, 4th series, III., 847.

a dearth of public spirit, and want of virtue, such stock-jobbing, and fertility in all the low arts to obtain advantages of one kind or another, . . . I never saw before, and pray God I may never be a witness to again. . . . Such a dirty, mercenary spirit pervades the whole that I should not be at all surprised at any disaster that may happen."[1]

Washington's outlook was gloomy, but within the besieged city the enemy, too, had troubles. With nobody going out and little provision coming in the inhabitants were soon living on a Lenten diet. Salt pork, pease, and an occasional fish were the principal food. By December there were no vegetables, flour, or pulse to be spared from the military stores, and the distress was great.[2] So serious was the want of fuel that fences, doors, and even houses furnished the supply, and at last church steeples and the old Liberty Tree. Cold and hunger increased disease, and deaths became so frequent that the bells were not tolled lest the sound discourage the living. The fear of an assault was so great that the Tories organized military companies to aid the defence. To while away the time, there were masquerades and balls and theatres.

This life was ended suddenly, as if by "the last trump." On the night of March 4, 1776, Dorchester Heights were fortified by Washington. "Redoubts were raised," wrote a British officer,

[1] Washington, *Writings* (Ford's ed.), III., 246, 247.
[2] Frothingham, *Siege of Boston*, 280–282.

"as if by the genii belonging to Aladdin's wonderful lamp." Boston was now untenable. Howe hurriedly embarked his army and over nine hundred refugee loyalists, abandoning quantities of stores, and sailing March 17, for Nova Scotia.

CHAPTER IV

SPIRIT OF INDEPENDENCE

(1775–1776)

DURING the weary months of the siege of Boston, from the spring of 1775 to the following midwinter, the work of overthrowing old opinions, weakening traditions, and destroying American faith in Great Britain went on. Vigorous persecution cowed the Tory opposition in America, the Whig party was strengthened by organization, and the advanced faction of that party gave up urging reform of the British colonial policy and set a new goal, a demand for independence of England. The misunderstanding between the two parts of the empire increased, and the efforts of Parliament to overcome the rebellious colonies only stiffened the resistance and deepened the hate. The mistaken zeal or impolitic action of the colonial governors increased the area of rebellion, and lent powerful arguments to the public agitators, both speakers and pamphleteers.

One of the first signs of the increased ill feeling after Concord and Lexington was the strife between the Whigs and the Tories in America. As the cer-

tainty of declared war with the mother-country increased the louder grew the protests of those who opposed it. Men who held office under the crown, the Anglican clergy, and many of the friends and relatives of such men had, as a rule, opposed the agitation from the first. Now they were joined by the conservative citizens, men of wealth, of social position, those who "feared God and honored the king," and men of certain factions in the colonial politics whose old ties drew them to the loyal side. Many of the latter had been hot for reform in the British colonial policy, but balked at a Continental Congress and a war that seemed to lead logically to independence. They refused to act with the patriots, and in a few instances tried to organize bands of loyal militia, but they did little else except to protest against the work of the agitators and to send loyal addresses to the king or his representatives.

These protests and addresses, however, were very hateful to the intolerant masses who in the early days formed an active part of the Whig party. It required little agitation to bring out a mob ready to hoist a Tory on a liberty pole and jeer at him for his loyalty. In the spirit of the ancient Inquisition the Whigs tried to convert their political opponents by terrorizing them. They fired musket-balls into Tory windows. They burned loyal pamphlets at the stake, tarred and feathered them, or nailed them to a whipping-post, with a threat of treating

the author in a like manner.[1] The pulpits of the loyal clergy were found nailed up, and Tory merchants saw the word "tea" painted out of their signs. Loyal farmers found their cattle painted fantastic colors or the tail and mane of a horse close cropped. One noted Tory was hoisted upon a landlord's sign and exposed in company with a dead catamount. Another was "smoked to a Whig" by being shut up in a house with the chimney closed. All this persecution increased in violence as the action of Congress and the British government made undisguised war ever more inevitable.

It might seem that society was getting ready for such revolutionary excesses as were witnessed in France some fifteen years later. In America, however, firmly established local governments saved the people from anarchy after the central government lost its control; and long-established representative assemblies stood ready to organize and direct the activities of the people.

Where the assemblies were too conservative to launch the revolution, the Whig leaders resorted at first to committees of correspondence, which had no place in the legally organized government. The loyalists, with some reason, declared[2] that the country was "cantoned out into new districts and subjected to the jurisdiction of these committees, who, not only without any known law, but directly

[1] Van Tyne, *Loyalists*, chap. iii.
[2] Boucher, *A View of the Revolution*, 319–321.

in the teeth of all law whatever, issue citations, sit in judgment, and inflict pains and penalties on all whom they are pleased to consider as delinquents."

It was these committees, or, in some cases, mere voluntary meetings of private citizens, that suggested the calling of conventions to elect delegates to the Continental Congress, to sanction associations for non-importation, and to provide for armed opposition to the British measures. When the royal governors prorogued or refused to summon the regular assemblies, these elective conventions, fresh from the people, made and executed the necessary laws, appointing committees or councils of safety to act during their adjournment.[1]

Because of a natural selection of radicals to do this revolutionary work, and a greater extension of the franchise, which Congress early advised,[2] new men appeared in these provincial conventions—more democratic men than had ordinarily attended the regular colonial assemblies. As a result the resolutions of these conventions were often drawn up, wrote a Tory, "by some zealous partisan, perhaps by some fiery spirit ambitiously solicitous of forcing himself into public notice." . . . "The orator mounts the rostrum, and in some preconceived speech, heightened no doubt with all the aggravations which the

[1] Agnes Hunt, *Provincial Committees of Safety*, chap. iv.

[2] *Journals of Congress*, November 3 and 4, 1775. (See the instructions to the S. C. convention.) Lincoln, *Revolutionary Movement in Pennsylvania*, 234.

fertility of his genius can suggest, exerts all the power of elocution to heat his audience with that blaze of patriotism with which he conceives himself inspired.[1] . . . The threat of tyranny and the terror of slavery are artfully set before them." These were revolutionary methods as they appeared to a loyal citizen. The whole revolutionary system looked like anarchy. The patriot excused it all on the new political theory that the people were the basis of all legitimate political authority. The regular and constitutional forms of government having been taken away, the right to establish new forms reverted to the people.

For many months all the powers of government were in the hands of these temporary assemblies, conventions, and committees, which "composed a scene of much confusion and injustice," [2] causing men like John Adams to fear that the system would "injure the morals of the people, and destroy their habits of order and attachment to regular government." Congress resolved, therefore (June 9, 1775), in reply to a letter from the Massachusetts convention,[3] that no obedience being due to Parliament, the governor and his lieutenants were to be considered as absent, and as the suspension of government was intolerable, the provincial convention was recommended to write letters to the places entitled to

[1] *Rivington's Gazette*, July 28, 1774.
[2] John Adams, *Works*, III., 34.
[3] *Journals of Congress*, June 9, 1775.

representation in the assembly and request them to choose members. The assembly was to choose a council, which with the assembly was to exercise the powers of government until a governor appointed by his majesty should govern the colony according to its charter. By the month of July this advice was obeyed, and the proclamation urging obedience to the new government closed with, "God save the people"—instead of the "king."

In October, 1775, the delegates from New Hampshire asked Congress for advice as to the method of regulating their civil affairs. John Rutledge at once sought like counsel for South Carolina; and Congress, early in November, urged them both to establish temporary governments of the character commended to Massachusetts;[1] and, realizing the necessity of enlisting the support of the democracy by showing it political favor, Congress also advised "a full and free representation of the people."[2] A month later Virginia was counselled likewise.

The advice thus wrung from Congress was far short of the wishes of John Adams and the independence party, which was growing slowly with the march of events. Adams wanted the people of every colony to call conventions immediately and set up permanent governments on their own authority. He wished to invite "the people to erect the whole building with their own hands, upon

[1] *Journals of Congress*, November 3 and 4, 1775.
[2] Friedenwald, *Declaration of Independence*, 34.

the broadest foundation."[1] The delegates in Congress could not be brought so far on the road to independence, but Adams found consolation while he waited. "America is a great, unwieldy body," he wrote. "Its progress must be slow. It is like a large fleet sailing under convoy. The fleetest sailers must wait for the dullest and slowest. Like a coach-and-six, the swiftest horses must be slackened, and the slowest quickened, that all may keep an even pace."[2]

Day by day events spurred on the hesitating members and strengthened the convictions of the radicals. The petition to the king which Dickinson had persuaded the unwilling Congress to send was refused even a hearing (August, 1775). The king's minister explained to a critical Parliament that "the softness of the language was purposely adapted to conceal the most traitorous designs."[3] This repeated insinuation that the colonies desired independence became an incentive. Like the witches' prophetic words to Macbeth, the suggestion grew to a desire.

Furthermore, the perfectly natural acts of the British government to quell a rebellion which any one could see existed exasperated the colonists to further revolutionary action. After the news of Bunker Hill reached England, the king, of course, issued a proclamation (August 23, 1775) urging his

[1] John Adams, *Works*, III., 13–16. [2] *Ibid.*, I., 176.
[3] Hansard *Debates*, XVIII., 920.

loyal subjects to aid in quelling the rebellion, yet when Congress learned of the fact (November 1) the members were horrified. At the same time came the news of the burning of Falmouth, in Maine, by a British naval expedition.[1] It was a cruel and unnecessary act, which was disowned by the British government, but not until, linked with the burning of Charlestown during the battle of Bunker Hill, it became a symbol to Americans of British barbarity. Thus misunderstanding on both sides of the sea was rapidly breaking the unity of feeling which alone could hold the parts of the empire together.

Though the impending war could not be said to be popular in England, yet addresses were pouring in upon the king expressing British "abhorrence of the rebellious spirit" of the "deluded subjects in America." Some of the more loyal addresses are said to have been elicited by the efforts of the ministry.[2] The compliant addressers regretted that "daring and open rebellion had broken out," lamented "the infatuation of those deluded men," and assured the king of their hearty support in asserting his authority.[3] From Robert Burns's county in Scotland the noblemen, justices, and freeholders sent their approval of the king's measures. The chancellor and masters and scholars of the University of Oxford, in full convocation, viewed "with

[1] *Journals of Congress*, November 1, December 6, 1775.
[2] Trevelyan, *American Revolution*, pt. ii., I., 11–15.
[3] Force, *Am. Archives*, 4th series, III., index under "Addresses."

deep concern, the pernicious tendency of that profligate licentiousness" which had deluded their "fellow-subjects in America," "by these seducing arts betrayed; plunged, as they are, in all the horrours of a civil war, unnaturally commenced against the state which gave them birth and protection."[1]

All was not harmonious, however, in the British islands, and the Americans had not only economic but political sympathy among their fellow-subjects oversea. From sundry places where the commercial losses pressed most heavily came other and perhaps more genuine voices urging upon the king "the deadly wounds which the commerce of this country must feel from these unfortunate measures." The manufacturers of Nottingham, Worcester, and Newcastle were alarmed by the "melancholy decline" of their trade and manufacture.[2] The freeholders of the county of Berks took the most sympathetic stand. They themselves valued the "inestimable right of granting" their own property, and could not consider groundless the complaint of America "on being taxed without any voice."

In Parliament, however, this opposition had little strength, and, before the close of 1775, acts were passed closing all American ports and ordering the seizure and confiscation of all ships trading with the colonies.[3] Unfortunately for their own record

[1] Force, *Am. Archives*, 4th series, III., 1188.
[2] *Ibid.*, III., 1010, 1113, 1201, 1383, 1519.
[3] *Commons' Journal*, XXXV., December 22, 1775.

they added a clause which offended mortally the new ideas of personal liberty. British commanders were permitted to impress the crews of American vessels seized under the law and compel them, like mutineers, to serve on the British vessels until the return to an English port.[1]

While the news of this legislation was making its way oversea, the southern colonies were being brought to more lively sympathy with New England. The governor of Virginia, Lord Dunmore, had been unpopular from his first arrival four years before. He early resolved to crush the spirit of rebellion which he saw about him. When in 1774 the assembly sympathized with Boston, Lord Dunmore summoned, rebuked, and dissolved them. Though the worthy burgesses went to the governor's ball that night, they first assembled at the Raleigh tavern, and, after resolving against the use of tea, proposed an annual congress of the colonies.[2]

Later, a convention was called without a royal warrant. It met August 1, 1774, just before an assembly legally summoned by the governor, and appointed members to the Continental Congress. Besides this action, the people, as Dunmore informed his government, were everywhere arming and swearing in men to execute the orders of their illegal committees. The convention met again, March 20, 1775, and its chief act was crowned, if not caused, by Patrick

[1] *Statutes at Large*, 31; 16 George III., chap. v., § 4.
[2] Henry, *Life, Correspondence, and Speeches*, I., 176–182.

Henry's famous burst of oratory, a rash but inspiring call to arms. The alarmed governor caused the stores of powder to be removed from the old magazine at Williamsburg. In their wrath the people held councils, discussed the matter hotly, and threatened to attack the palace. A messenger to the governor found rows of muskets lying on the floor ready to arm the household, but the removal of the gunpowder was lamely explained.[1]

Then for a season Lord and Lady Dunmore with their daughters remained shut up in their palace at Williamsburg, while the governor wrote his king offering to reduce the colony with Indians, negroes, and loyal citizens. Meanwhile, Patrick Henry and a company of men marched on the capitol to rescue the powder. Lady Dunmore and her daughters thereupon hurried off to Yorktown and got aboard a man-of-war. The governor remained and agreed to pay for the powder, though at the same time he issued a proclamation against the company that had "unlawfully taken up arms."[2] In May, 1775, he issued writs for a new assembly, which duly met, accoutred with hunting-shirts and rifles instead of the accustomed ruffles and powder. A plan of conciliation was offered, but while they pondered the people were enraged by the discovery of a trap laid at the old magazine to kill any who should try to

[1] Henry, *Life, Correspondence, and Speeches*, I., 265–266; Force, *Am. Archives*, 4th series, II., 371, 387.
[2] *Ibid.*, II., 516, III., 1385.

get the powder, and with threats and curses they gathered about the palace.

The governor thereupon fled to a man-of-war—as other American governors had been or soon were compelled to do. He summoned the loyal to come to his standard, and allured some to come on board his vessels, where by means of liberal bounties and threats he induced a few to enlist. He then proclaimed the province in a state of war,[1] and offered freedom to the slaves, though he might as well have offered to liberate the oxen from their yokes. With armed vessels he ravaged the banks of the rivers, until a considerable force was defeated at Great Bridge, when in his rage he caused Norfolk to be burned on January 1, 1776. The painful scene of women and children running from burning houses amid the cannonading from the governor's fleet aroused not only Virginians but all America to a great heat of passion.

When this news reached Washington at Boston,[2] there came with it a pamphlet, just issued at Philadelphia, called "Common Sense," a firebrand which set aflame the ready political material in America. It said what many men were thinking, but had no words to express. The writer, Thomas Paine, had been but thirteen months in America. He had been reared in England, a Quaker and a dissenter, living where he had seen the corrupting in-

[1] Force, *Am. Archives*, 4th series, III., 1385.
[2] Washington, *Writings* (Ford's ed.), III., 396.

fluence of aristocracy, of which he himself had been a victim. His school life ceased at the age of thirteen. He became a stay-maker, excise officer, grocer, usher, enjoying for a time in London some philosophical lectures and the friendship of an astronomer who was a member of the Royal Society.[1] Restlessly he turned from teaching and writing poetry to entertain a social club, to further study, and then to preaching, without, however, taking orders. He chanced to make the acquaintance of Franklin, and with his letter of introduction he came at last to America, hoping to find employment as a teacher.

He found the people of America, as he said, ready to be "led by a thread and governed by a reed," just the crisis to appeal to one of his character. Always an enthusiast, with a generous and almost unreasoning zeal for liberty, he entered eagerly into the controversy. The poetry of his early years was transmuted into glowing visions of an ideal society. His whole character and training made him the man for the occasion. This zealot in charity, lover and maker of music, shallow in scholarship but deep in sympathy, was more fit than many wiser men to arouse America to the final act of independence. He wrote in living phrases, with a rapid movement and clear statement that secures readers where a worthier thinker fails. Though "Common Sense" helped John Adams's cause, he was compelled, never-

[1] Conway, *Thomas Paine*, I., 15.

theless, to admit that "Sensible men think there are some whims, some sophisms, some artful addresses to superstitious notions, some keen attempts upon the passions, in this pamphlet."[1] It contained, it is true, many shallow arguments, but they were as deep as the thought of those who would read them. There was scurrility, but it had great effect with certain classes. Deeper than all the superficial defects was a strong, keen analysis of the real state of affairs between England and her colonies.

With a fine perception of the greatest obstacle to independence, Paine attacked the sacred person of the king. In the public papers and petitions much stress had been laid on the assertions of personal loyalty; it was Parliament whose dominion they denied, not the king's. Paine, however, ridiculed the divine right of kings. They were chosen, he declared, because of a "ruffianly pre-eminence." "The heathen introduced government by kings, which the will of the Almighty . . . expressly disapproved. As to their hereditary descent, how absurd! We do not think of attempting to establish an hereditary wise man, or an hereditary mathematician, or an hereditary poet. Of more worth is one honest man to society . . . than all the crowned ruffians that ever lived." Of what use are they? he asked. "In England a king has little more to do than make war and give away places." The king is a "breathing automaton," a "sceptred savage," a "royal brute."

[1] John Adams, *Familiar Letters*, 146.

Government, indeed, was a necessary evil, Paine granted, but why have it in its worst form—a royal government?

Nor had Paine any praise for the British constitution. The security and happiness of the English people, he urged, were not due to constitutional forms, but to the character of the people. The government might be as despotic as that of Turkey, except that the people would not endure it; the lauded checks and balances were worthless. Americans need not hope to mend the old constitution; they must rid themselves of that and set up a new form of government. At present, said Paine, we are "suffering like the wretched Briton under the oppression of the conqueror."

Having thus artfully sneered at colonial traditions and long-established opinions, Paine appealed to colonial vanity. "There is something absurd in supposing a continent to be perpetually governed by an island; in no instance hath nature made the satellite larger than the primary planet. Even the distance at which the Almighty hath placed England and America is a strong and natural proof that the authority of the one over the other was never the design of Heaven." This, at the time, was a strong argument in favor of independence. John Adams declared in one of his letters home: "There is something very unnatural and odious in a government a thousand leagues off. A whole government of our own choice, managed by persons whom we

love, revere, and can confide in, has charms in it for which men will fight." [1]

The arguments of the imperialists were set aside by Paine with scorn. "Much has been said of the united strength of Britain and the colonies, that in conjunction they might bid defiance to the world. What have we to do with setting the world at defiance? Our plan is commerce . . . and friendship with the world."

All these arguments were what America wanted to hear. It was hard to find a printer bold enough to print them; but once out, the pamphlet sold by the hundred thousand copies. Paine himself got none of the proceeds of the sale, and, though he was glorified for the time, he lived to be hooted years later by an American mob as he drove past placards showing the devil flying away with him.[2] The reason for this change of popularity was his late deistical book, *The Age of Reason*, differing in no wise from the religious views of Franklin and Jefferson. There were unlovable things about Paine, vain and egotistic as he was at times, but "the man who had genius in his eyes," and who was ever busy trying to soften the lot of the oppressed, is not unworthy of respect.

[1] John Adams, *Familiar Letters*, 174.
[2] Conway, *Thomas Paine*, II., 327.

CHAPTER V

THE CAMPAIGN FOR INDEPENDENCE

(1775–1776)

AFTER the people had been trained to look with composure upon the idea of independence, there still remained the task of getting each colony to give its approval of a formal declaration. Paine had pointed out that the colonies had now "travelled to the summit of inconsistency." They were in full rebellion, had an army and navy of their own, and governments that ignored Parliament or the king, but still they asserted their aversion to independence. They had, Paine warned them, acquired an "autumnal ripeness"—"now your *rotting time comes on*." [1] More careful men, however, thought matters not so ripe, insisting that Congress, a mere advisory body, should take no such radical step as independence without first receiving explicit instructions from each of the colonies. The five middle colonies, however, had instructed their delegates against independence; and the month of March, 1776, was gone before any state gave its approval. To North Carolina, impelled by the trend

[1] Conway, *Thomas Paine*, I., 75.

of local events, belongs the honor of first instructing her delegates for independence.

Governor Martin, of that province, was a plain, honest, but impolitic man, inclined to be jealous of his predecessor, Governor Tryon. The latter, in 1771, had overthrown a rebellion, in the western part of the state, of frontiersmen known as "Regulators." Governor Martin, taking up the administration a few months later, curried favor with the late rebels, while by his criticism of Tryon he lost the esteem of the lawyers and prominent public men in the coast towns.[1] He quarrelled with the colonial assembly over the state's western boundary, and over the taxes to pay for the expense of quelling the late rebellion. Another serious dispute closed the courts and threw the lawyers out of business. All the forces thus antagonized turned against him, and his personality not only prevented his stemming the tide of revolution but tended alarmingly to increase that movement.

When Boston appealed to the other colonies in 1774, the speaker of the North Carolina assembly called a Provincial Congress in spite of the threats of the governor. Many of the members of that congress proved to be members also of a regular assembly called by the governor. The governor protested in vain against the irregular body, dissolved the regular assembly, and fortified his palace; but the

[1] Sikes, *Transition of North Carolina from Colony to Commonwealth* (*Johns Hopkins University Studies*, XVI., Nos. 10, 11).

local revolutionary committee seized his cannon, and he was obliged to flee to Fort Johnson, near Wilmington. The wrath of the people soon drove him on board a British man-of-war, whence, in August of 1775, he issued what was called "the Fiery Proclamation," which was promptly ordered to be burned by the common hangman.[1]

Relying on the loyalty of the central and western counties, which had in the spring sent Governor Martin a loyal address signed by one thousand five hundred men, he had already urged that the British troops be sent to co-operate with the loyal citizens in overthrowing the rebellion. Accordingly, Sir Henry Clinton left Boston in December, 1775, planning to meet Sir Peter Parker with two thousand men and eight frigates at Cape Fear.[2] Meanwhile, Donald McDonald, who had once been punished for rebellion on the field of Culloden, was commissioned by the governor, and collected an army of one thousand six hundred men from the loyal counties. He marched towards the coast to meet the British forces, but was met (February 27, 1776) by a patriot force at Moore's Creek and signally defeated, the patriots taking quantities of gold and arms and nine hundred prisoners.[3]

Within a fortnight ten thousand militia were ready to repel Clinton, who was delayed until the

[1] *N. C. Col. Records*, IX., 1125, 1145, 1178, X., 141–150.
[2] Fortescue, *British Army*, III., 173, 180, 181.
[3] *N. C. Col. Records*, X., 41–50, 482.

middle of April awaiting Parker, and then after hovering about Cape Fear for six weeks sailed away southward to Charleston. This episode so aroused the people that when the next Provincial Congress met the members were "all up for independence," and on April 12, eight days after convening, they voted to instruct their delegates to concur with delegates from the other colonies in declaring independence and forming foreign alliances.[1]

The news of the great loyal uprising in North Carolina and the threatening conditions elsewhere led the Continental Congress to another revolutionary step. March 14, 1776, it advised the disarming of the loyalists, "to frustrate the mischievous machinations and restrain the wicked practices of these men." [2] A few days later, upon hearing of the British measures for closing American ports, Congress permitted Americans to fit out private armed vessels to prey on British commerce.[3] Within two weeks it opened the ports of America to all countries "not subject to the king of Great Britain." John Adams was jubilant. "As to declarations of independency," he wrote, "be patient. Read our privateering laws and our commercial laws. What signifies a word?" [4]

Daily the Continental Congress heard of new tem-

[1] *N. C. Col. Records*, X., 512.
[2] *Journals of Congress*, January 2, 1776.
[3] *Ibid.*, March 23, 1776.
[4] John Adams, *Familiar Letters*, 155.

porary colonial governments and of instructions which, when the proper time came, might be interpreted as authorizing the delegates to vote for independence. Georgia, or rather a small number of revolutionists in Savannah, had instructed her new delegates, February 2, to "concur in all such measures as you shall think calculated for the common good."[1] Late in March, South Carolina gave her delegates a like ambiguous liberty, though the will of the province seems to have been against independence.[2] May 4, Rhode Island omitted the king's name from the public documents, and concurred with any action of the Congress for holding the colonies together and annoying the common enemy; but her delegate in Congress was disappointed not to have plain instructions on the matter of independence.[3] The June meetings in the towns of Massachusetts voted to uphold a declaration of independence.[4]

In Congress the power of the radicals increased daily, and they extended it by correspondence, by resolutions intended to fire the patriot mind, by personal visits of the members to lagging assemblies, or by using the army to bolster weak revolutionary committees, who were fearful of being overwhelmed by local loyal majorities.

To aid the radicals in hesitating colonies, Con-

[1] Force, *Am. Archives*, 4th series, VI., 1674.
[2] McCrady, *South Carolina in the Revolution* (1775–1780), 125.
[3] *R. I. Col. Records*, VII., 526, 527.
[4] Force, *Am. Archives*, 4th series, VI., 698–707.

gress adopted a resolution, May 10, 1776, which, as John Adams declared, "cut the Gordian knot." Colonies having "no government sufficient to the exigencies of their affairs" were urged to adopt such a government. The meaning of this was made plain by a preamble adopted five days later which declared that it was unreasonable for the people to take oaths to support a British government, and that every species of that authority ought to be totally suppressed and government carried on under the authority of the people of the colonies.[1] Adams was delighted at this "last step," though his opponent, Duane, denounced it as a "piece of mechanism to work out independence." Only a formal declaration was now needed, and the day for that was at hand.

In Virginia, where the revolutionary spirit had grown rapidly since the burning of Norfolk, a convention had already been called which was to give its constituents a new government.[2] May 15, a resolution was adopted directing the Virginia delegates in Congress to propose that the united colonies be declared free and independent states. In obedience to these instructions, Richard Henry Lee rose in Congress, June 7, to move "That these united colonies are, and of a right ought to be, free and independent states," and their connection with Great Britain dissolved. He proposed also that a

[1] *Journals of Congress*, May 15, 1776.
[2] Hening, *Statutes*, May 6, 1776.

plan of confederation be submitted to the several colonies and that foreign alliances be formed. So treasonable were these resolutions that the prudent Congress did not then enter them even on its secret journals, and nothing but a slip of paper now preserves the original form.

Nevertheless, John Adams, now dubbed "The Atlas of Independence," seconded the motion promptly, though Dickinson and Wilson, of Pennsylvania, resisted desperately, for they knew that public opinion in the middle colonies was not ripe for such a measure—in fact, their delegates were instructed against it. Moreover, even Connecticut and New Hampshire had not instructed on that question, and with Georgia and South Carolina dubious, there were but four state delegations that could rightfully favor such a motion. As the conservatives argued, if the delegates of a colony had no power to declare it independent, others could not so declare it, "for the colonies were as yet perfectly independent of each other."[1] For the sake of harmony the eager independence faction agreed to wait three weeks for the judgment of the hesitating provinces, but meanwhile a committee was to draw up a formal declaration.

While they waited, Connecticut, whose charter rights had already made her nearly independent of Great Britain, simply omitted the king's name from her public papers, and instructed her willing dele-

[1] Jefferson, *Works* (Washington ed.), I., 113.

gates to support Lee's motion. In her case and that of New Hampshire, who quickly followed her example (June 15), the act was purely formal, for they had long been with the advance party. The reluctant middle colonies were still to be converted, but the radicals in Congress were equal to the task, and they were aided by news from England. Public opinion had recently received another great impetus to independence by the arrival of authentic news that the king had succeeded in making a treaty with certain German princes for twenty thousand troops to be used in subduing the rebellious colonies.[1] In America all the odium of this transaction was put upon the king instead of upon the mercenary German princes who sold their subjects into bondage. Samuel Adams urged the colonists to note that their petitions were to be answered by myrmidons hired from abroad. Washington hoped that it would convert those who were "still feeding themselves upon the dainty food of reconciliation."[2] It did, in fact, go as far as any single cause in deciding the wavering states to uphold independence.

The wish of the radical party was now gained through the support given by Congress to the radicals in the backward colonies.[3] New Jersey, held back by a strong loyal party led by the gov-

[1] *Journals of Congress*, May 21, 1776.
[2] Washington, *Writings* (Sparks's ed.), III., 403.
[3] Friedenwald, *Declaration of Independence*, chap. iii.

ernor, William Franklin, at first commanded her delegates to vote against independence. They had even resolved on a petition of their own to the king, but abandoned the idea upon the earnest protest of a committee sent to them by Congress.[1] June 10, the Provincial Congress, acting upon the recommendation of May 10 and on petitions from the people, met to devise a new government. The governor tried to defeat them by calling together the old, regular assembly, but the revolutionary body denounced his act, stopped his salary, and sent him under arrest to a Connecticut prison.[2] June 22 they authorized their new delegates to agree to independence.

Pennsylvania and her powerful representatives had held back the independence flood more than any colony except New York. A keen observer thought that the Quakers and Germans, a large element of Pennsylvania population, had too great regard for ease and property to sacrifice either upon the altar of the unknown goddess, Liberty.[3] Both elements also disliked the military service, while the Quakers denounced the putting down of kings and governments, asserting that such action was God's prerogative, not men's; and they announced their abhorrence of measures tending to independence. The proprietary interests, too, were ably

[1] Mulford, *History of New Jersey*, 415, 416; Force, *Am. Archives*, 4th series, III., 1871–1874.

[2] *N. J. Archives*, X., 720.

[3] *Curwen's Journal*, 26.

defended, though side by side with the constitutional government had arisen conventions representing the radical Whigs, who had lost control of the regular assembly. A system of local committees, legally responsible to no one, but elected by the people and guided by Whig leaders, assumed the right to choose delegates to these conventions. The regular assembly resisted the transfer of power to these conventions, by legislating as the radicals desired, but doing nothing. The day came when something more than words was demanded. A new election in April, 1776, turned against the radicals, and convinced the people that they could not have their will under the existing régime, for the conservative majority had been secured by a jealous though legal restriction of the suffrage.[1]

The Pennsylvania democracy, turning now for aid to Congress, was answered by the resolution of May 10, which advised the creation of new governments. An opponent had objected that the people would thus be thrown into a state of nature. Acting as if this were true, a meeting of some four thousand people in the state-house yard at Philadelphia rebuked the legal assembly for refusing to instruct for independence. The loyalists were then cowed by a reign of terror, and a Whig convention agreed, June 24, to concur in a vote of Congress declaring the colonies free and independent.[2] Delaware had

[1] Lincoln, *Revolutionary Movement in Pennsylvania*, 234.
[2] Force, *Am. Archives*, 4th series, VI., 963.

meanwhile acted upon the suggestion of Congress as to forming a new government, but she gave her delegates no definite instructions as to independence.[1]

Maryland, with few grievances of her own and blessed with a governor who was loved and respected, was pleased with her proprietary government, and saw no reason why she should risk her charter in a vain chase of some abstract rights.[2] The importance of the charters in restraining the revolutionary movement is not to be ignored. Massachusetts could afford to be extreme and revolutionary because her charter was gone, but Pennsylvania and Maryland and the southern colonies had something to lose, and naturally held back. Maryland had shown a sympathetic interest in the plight of Boston, and a convention representing the people of the colony organized commercial and armed opposition to the British measures. At first the governor's influence was little diminished; but the people's power gradually rose, until (May 24, 1776) the provisional government signified to Governor Eden that public safety and quiet required his departure. A complimentary address was sent him, and he alone of all the royal governors was allowed to depart in peace, with the wish that he might return to his people after they should become reconciled with England.

Maryland's delegates in Congress were still in-

[1] Force, *Am. Archives*, 4th series, VI., 884.

[2] *The Provisional Government of Maryland* (*Johns Hopkins University Studies*, XIII., No. 10).

structed against independence, and the Maryland Council of Safety, unwilling to take upon themselves the responsibility of changing the instructions, suggested that the local committees "collect the sense of the people" and report to a convention called for June 21.[1] The delegates in Congress, Matthew Tilghman, Thomas Johnson, and Samuel Chase, hurried home from Philadelphia, and, with Charles Carroll, urged the people, while electing their deputies to the convention, to instruct them for independence. The result was that within a week after the convention met they directed their delegates in Congress to join in declaring "the united colonies free and independent states."

On the very day that Maryland was showing her honorable sympathy with the other colonies South Carolina was being won from probable opposition to real support of independence. When Sir Henry Clinton and Sir Peter Parker turned away from Cape Fear they sailed for Charleston, the chief city of South Carolina, where they hoped to succeed in arousing the loyal merchants of the coast towns and the German settlers of the interior. The latter, with no commerce and little use for tea, had no appreciation of the theoretical questions, and, in fact, were better treated by the British than by the state government, which was in the hands of the

[1] *The Provisional Government of Maryland* (*Johns Hopkins University Studies*, XIII., No. 10), 518; *Md. Archives, Journal of Council of Safety*, 478, 490, 492.

people of the coast region, and which had denied them local law courts, as well as representation in the Commons House of Assembly.[1] From Charleston Clinton hoped to summon these loyal people to his standard.

Edward Rutledge, the chief of the provisional government, prepared with some six thousand militia to defend the city; and Colonel Moultrie, commanding a fortress of palmetto logs and banks of sand on Sullivan's Island, was sure that he could prevent the enemy entering the harbor. He was ridiculed by Charles Lee, who had been sent south to direct this defence. Rutledge, however, supported Moultrie, who, easy and careless and unsoldierly as he was, could fight. The British fleet attacked the fort, and all day (June 28, 1776) poured cannon-balls into the loose sand or yielding palmetto, but did little harm,[2] while the slow, careful fire of the defenders swept the British decks with frightful carnage. Parker withdrew his vessels at last, only to learn that Clinton, who had landed with two thousand men on a sand-bank, hoping to wade a shallow inlet and thus attack Sullivan's Island, had found seven feet of water and myriads of mosquitoes. Charleston was saved, and in the flush of victory all moderate counsels were brushed aside, and South Carolina was in a mood to hear with favor should Congress declare independence.

[1] McCrady, *South Carolina in the Revolution* (1775–1780), 33–34.

[2] *Ibid.*, 137–162.

July 1, when Lee's motion was again taken up in Congress, favorable though not positive instructions had been received from every colony except New York. As a commercial state with but one port, the effect of war with England would be the ruin of her prosperity, while the importance of that port from a military point of view would make it the centre of the conflict. Its spacious and unprotected harbor exposed the city of New York to the British fleets, while the failure of the Canadian expedition left the state now open to invasion from the north. The Indians, too, were a menace on the frontier. Every material consideration, in fact, seemed to warn New York to avoid the struggle. These reasons and certain party animosities due to political conditions antedating the Revolution had developed a strong loyal party in the state, which prevented the patriot party from getting New York's delegates instructed for independence in time to vote for it with the other colonies.

When Congress took up Lee's motion, the New Jersey delegates wanted to hear it discussed. After a silence, during which all eyes were turned on John Adams, the great advocate rose. He began with a "flourish" about the great "orators of Athens and Rome," but upon closing his "not very bright exordium" continued in simple phrase to set forth the justice, the necessity, and the advantages of a separation from Great Britain.[1] He spoke

[1] Bancroft, *United States*, VIII., 452.

of America's petitions neglected and insulted, of the mercenary German troops, of the king's vindictive spirit, and finally of the prospects of glory and happiness which opened beyond the war to a free and independent people.[1] As he spoke "he was not graceful, nor elegant, nor remarkably fluent, but he came out occasionally with a power of thought and expression" that moved men from their seats.[2]

To this speech John Dickinson replied. He showed his doubting, unselfish, yet anxious frame of mind in his exordium, for he invoked the Governor of the Universe so to influence the minds of the members that if the proposed measure was for the benefit of America nothing which he should say against it might make the least impression.[3] His chief objection was to the haste and the lack of caution. Let the military campaign decide the controversy. The resolution that the colonies are independent will not strengthen the patriot cause by a man, but it will expose the soldiers to additional cruelty and outrage. Try America's strength before putting her where to recede is infamy and to persist may be destruction.

A strong reason for independence had been the necessity of showing that foreign nations might venture to ally themselves with the new sovereignty. Nations would not wish to establish the precedent of

[1] Ramsay, *American Revolution*, I., 339.
[2] Jefferson, in Curtis, *Life of Webster*, I., 589.
[3] Ramsay, *American Revolution*, I., 339.

aiding even an enemy's revolting subjects. To this argument Dickinson could only reply that success in the field, not a resolution of independence, would gain foreign aid; that success was the only evidence of union and vigor. Let us form our government, said he, and agree to terms of a confederation before assuming sovereignty. Settle the existing disputes between colonies, and make firm our union—then let America "advance with majestic steps, and assume her station among the sovereigns of the world."[1]

When the debate was closed the New York members were excused from voting. A tie lost the Delaware vote, while Pennsylvania and South Carolina opposed the motion. The resolution was agreed to by the nine remaining states, but on a promise of unanimity the final question was postponed a day. Meanwhile, Rodney, of Delaware, had been sent for post-haste, and on July 2 his vote placed Delaware in the affirmative. Dickinson and Robert Morris absented themselves, thus changing Pennsylvania's vote.[2] The South Carolina delegates, though they had no news of the change wrought by the victory at Charleston, risked the disavowal of their constituents and gave their approval.

[1] This in general is what the debaters said. We know only by tradition what Adams said, and Dickinson's speech is partly tradition and partly extracts from his *Vindication*, written in 1783. See Stillé, *Life and Writings of John Dickinson*, I., App. V., 373.

[2] Chamberlain, "Authentication of the Declaration of Independence," in *J. Adams*, 99.

New York's delegates dared not take the risks which at least four other delegations had taken. A great question had been decided, declared John Adams, "a greater, perhaps, never was nor will be decided among men."

The rest of that day and the two following were spent by Congress in wrangling over the form in which this declaration was to go out to the world. Since June 11, it had been in preparation by a committee, which had intrusted the draughting to Thomas Jefferson, one of the three youngest men in Congress. From the Virginia House of Burgesses and one of its revolutionary conventions he had come up to Philadelphia with a literary reputation due to a rather clever statement of the colonial arguments in a pamphlet called a "Summary View"[1] —full of rebellious spirit, generalization, and declamation — which got him an honorable position on a British list of American traitors. In person he was the "lean and grinning Cassius," whom the Tories believed typical of the members of the Continental Congress. His nearly six feet and a quarter of sinew and bone, his unhandsome but pleasant and intelligent face, and his sandy hair seemed to mark him a born democrat.

Yet he was born in the outer circle of Virginia aristocracy, and though admitted to patrician rights by the social position of his mother, he had only a democratic sneer for his pedigree. His early

[1] Jefferson, *Works* (Ford's ed.), I., 429.

home in the democratic back country had made him the life enemy of the tide-water aristocracy. Riding and shooting and a dangerous fondness for the fiddle did not prevent him satisfying, with the zeal of a fanatic, an evident thirst for knowledge. Natural philosophy, mathematics, and law, mingled with the classics, pleased him most. Thus equipped, he thought and talked sensibly enough, as a rule, but at times his mind juggled with ideas and theories, and his enemies called him a dreamer, "visionary" and "unsound in principles." As his pet theories showed, he was a doctrinaire rather than a statesman. The theory attracted him more than the practical statesmanship. As a common man he would have been a crank, but he raised idiosyncrasy to the dignity of genius.

No more suitable man could have been chosen to draught the great announcement of independence. It would bring upon America a fierce war, but Jefferson believed that "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants!" He liked "a little rebellion now and then." Again, though no strong system of government was yet provided to replace that to be destroyed, Jefferson was never a friend to a very energetic government; he liked to see the reins hanging loosely. He considered that the only safe depositaries of government were the people themselves—that is, the democrats, for aristocracy he held to be "an abandoned confederacy against the happiness of the

mass of the people." If these ideas were not yet clear in Jefferson's mind they were none the less his directing intuitions.

In respect to all the great principles that were formulated in the declaration, Jefferson felt as the people felt for whom he was to write this democratic manifesto. He used their language and their ideas. The production was not original, for originality would have been fatal.[1] It must express the thoughts familiar to all or it would not be accepted by all. As a contemporary said, "Into the monumental act of independence" Jefferson "poured the soul of the continent."[2] The expression of the political ideas must be familiar, that it might more easily flow into the worn channels of English thought and find no hindrance. To get the approval of all, it must have all the opinions and passions, all the beliefs and prejudices, the sentiments and misconceptions which had driven the American people to the act of separation.

Of course Jefferson did not state the other side of the controversy. Had he presented moderate and judicial statements of the opposing theories he would not have attained his purpose. The startling array of charges against the king could not be modified by acknowledging that the king's tyranny for the most part consisted in trying to subdue his rebellious colonists. Neither could attention be

[1] Tyler, *Literary History of the American Revolution*, I., 506, 507. [2] Stiles, *Conn. Election Sermon* (1783), 46.

called to the fact that most of these charges concerned acts incident to the suppression of rebellion, while the remainder had to do with the establishment of the imperial policy, which was not necessarily an undesirable end.[1]

Finally, if there was in the enumeration of self-evident truths some indefensible political philosophy, it was at least the prevailing thought of the age. Taken in their right sense, the ideas are not unworthy of any age, insisting as they do upon the dignity of human nature, man's sacred person and indestructible rights—life, liberty, and happiness. If governments were not instituted for that end in a golden age that is past, it is well that such shall be their object in the future.

On the evening of July 4, after much "acrimonious criticism," under which the author writhed in silence, the declaration, trimmed to briefer, more dispassionate, and more exact form, was adopted by twelve states. On the following day copies signed only by the president, John Hancock, and the secretary, Charles Thomson, were sent to several state assemblies. The declaration appeared July 6, in the Pennsylvania *Evening Post*, but Congress did not order it engrossed until July 19, and it was not signed by the members until August 2. For more than six months Congress withheld the names of the signers. It was only common

[1] See facts cited by Friedenwald, "The Declaration of Independence," in *International Monthly*, July, 1901.

prudence, for this overt act of treason, if not made good, might bring the signers to the gallows. Congress was always aware of its danger, and, besides sitting with closed doors, withheld even from its secret journals some of its most important proceedings.[1]

Among certain classes the news of the declaration was received with wild and unreasoning joy. All over the land rude pageantry of various kinds celebrated the event. With mock solemnity an effigy of the king was buried before the courthouse; a more barbarous delight was the burning the king's portrait in the presence of a great concourse of people. Others, intolerant of the emblems of royalty, burned the peace officers' staves adorned with the king's coat of arms. Everywhere the signs with lion and crown, heart and crown, or pestle and mortar and crown were torn down.[2] In New York, after the declaration was formally adopted on July 9, the soldiers pulled down the leaden statue of George III., melting it into bullets.

Not every one greeted independence with such joy. Even good Whigs "trembled at the thought of separation from Great Britain." "We were," they sadly reflected, "formed by England's laws and religion. We were clothed with her manufactures and protected by her fleets and armies. Her kings are the umpire of our disputes and the

[1] Force, *Am. Archives*, 4th series, III., 1916; *Journals of Congress*, June 7, 1776, also June 10.

[2] Force, *Am. Archives*, 5th series, I., Index, "Independence."

centre of our union." The Tories thought not only of these things, but they were aghast that men could be so mad as to cast away all these blessed fruits of union. Many conservative men who had approved of the resistance to the British measures now went over to the loyal party. One asserted that if America made good her declaration, "that unfortunate land would be a scene of bloody discord and desolation for ages." There would be internecine war until a few provinces would conquer all the rest. England was as necessary to America's safety as a parent to his infant children. Some loyalists were convinced that the country did not wish independence, but that the baleful act was due to the irresponsibility of Congress, which consisted of "obscure, pettifogging attorneys, bankrupt shopkeepers, and outlawed smugglers"—political adventurers of the worst type.[1]

The last step had now been taken by the Whigs. No man who was loyal to the king could remain a friend to the king's declared enemies. A Tory was no longer a political opponent of the Whigs; he was now an enemy in their camp to be denounced and treated as a spy and a traitor. He was accused of enjoying the protection of the new state without giving his support in return. The Declaration of Independence proclaimed not only war with England, but a civil war between the Whigs and Tories in America.

[1] Van Tyne, *Loyalists*, 91, 104–106.

CHAPTER VI

NEW YORK ACCEPTS THE REVOLUTION

(1776)

WHEN the Declaration of Independence was adopted, July 4, 1776, New York's delegates failed to approve. This royal stronghold, which in the terrible years that followed drove out over half the exiled loyalists of whom we have any record, was only brought to the patriot side by heroic measures. In order to understand the even balance of rival forces in that community, we must take account of events that happened a decade earlier. The Stamp Act caused in New York, as elsewhere, "a universal tumult," and party lines were for the moment wiped out. The royal governor was supported only by a small coterie of personal friends, royal officers, and Anglican clergy. But as the radical opposition grew more reckless the conservatives went over to the governor's party, and two rival families, the De Lanceys and the Livingstons, long rivals in New York politics, again headed the Tory and Whig parties.[1]

When, however, the tea controversy arose, the

[1] Becker, in *Am. Hist. Rev.*, VII., 59, 65.

moderate Tories again broke away from the ultras and showed that they felt the colonial grievances as keenly as the Whigs. They asked only that the contest should be carried on by constitutional means. Though these liberal Tories were in control of the government, they united with the Whigs, in 1773, in appointing a committee of correspondence which would keep New York in sympathetic contact with the other colonies. Again, however, they were outrun by their restive political mates, though they still kept control; and after the Boston Port Bill, in order to keep prudent men at the helm, they appointed a majority of a "committee of fifty-one," formed in the city of New York, to handle the problems of the moment.[1]

Even in the election of delegates to the First Continental Congress these moderate Tories kept the reins in hand, approving of the Congress[2] because they hoped it would take the dispute out of the hands of the rabble. Its "dangerous and extravagant measures," however, did not meet their approval, and they doubted whether the state was held by "laws made at Philadelphia." Once more the majority of the liberal Tories were obliged to join the ultra faction. Scattered counties showed great Tory strength by either ignoring or repudiating the

[1] *N. Y. Docs. Rel. to Col. Hist.*, VIII., 433; N. Y. Hist. Soc., *Collections* (1877), 342.

[2] Cooper, *A Friendly Address*, 30; Chandler, *What Think Ye of Congress Now?* 6.

action of the Continental Congress,[1] while loyalist protests and addresses were signed in profusion. The liberal Tories had control of the provincial assembly, voting down all radical measures and refusing to elect delegates to the Second Continental Congress.

The Whigs and the liberal Tories who remained with them, when thus defeated in the legal assembly, resorted to extra-legal devices, and the committee of sixty, which succeeded the committee of fifty-one,[2] called a mass-meeting which authorized a convention for the purpose of choosing delegates to the new Continental Congress. The Tories in Dutchess County protested against this action, and the people of Staten Island refused to obey the call. Other counties were indifferent, but by hook or crook delegates were elected from nine counties, and when they met in a provincial convention they ignored the action of the regular assembly by approving the measures of the First Continental Congress.

Here was the real downfall of the liberal Tories.[3] Confidence came to the convention with the news of Lexington, and New York was "converted almost instantly, as St. Paul was of old," wrote a Whig; "a Tory dares not open his mouth." They were forced to recant or flee. Even the committee which had

[1] Dawson, *Westchester County*, 36–40; Force, *Am. Archives*, 4th series, I., 702, 703, 1063.
[2] *Ibid.*, I., 328.
[3] Becker, in *Am. Hist. Rev.*, IX., 85.

been appointed by the liberal Tories now turned against them, censuring, arresting, and imprisoning them, and finally yielding up its power to the Tories' mortal enemy, the provincial convention. Nor was this the end, for in New York City there was organized a committee of one hundred,[1] which in May of 1775 issued a call for a Provincial Congress, which was expected to usurp all the power of the lawful assembly and to direct "the measures for the common safety." Like the frogs in the fable, as a Tory declared, the people had rejected the government of one king, Log, and were now obliged to submit to the tyranny of an hundred king storks.

The new Provincial Congress whipped the backward counties and even New York City into submission to its will; but its members were still loyal enough, and not at all sure, as the ultra-Whigs proclaimed, that the "bleeding country" beckoned them "to shut up the Temple of Janus." They took measures to prevent the Tories aiding the British army, and talked much of the "immutable laws of self-defence," but they had no thought of independence. As an old patriot expressed it, they fought the red-coats because "we always had governed ourselves and we always meant to. They didn't mean we should." [2] Accordingly, for the time at least, the invader was to be repulsed by every means to the end. The Provincial Congress resolved, in

[1] *N. Y. Docs. Rel. to Col. Hist.*, VIII., 600.
[2] Chamberlain, *J. Adams*, 249.

August of 1775, that any person giving information to the enemy should be punished at the discretion of the local committee having the matter in hand. Those guilty of supplying the enemy were to forfeit double the value of the goods and be disarmed and imprisoned. If any denied the authority of the patriot congresses or committees, their weapons should be seized, and upon a second offence they should be confined at their own expense. All persons "in arms against the liberties of America" were to be seized and their property put in the hands "of some discreet person," who should pay the profits into the provincial treasury.[1] All trials were to be held before committeemen. A month later it was determined to seize the arms of all who had not sworn allegiance to America's cause.[2] The committees worked with great zeal for a month. With the aid of the militia they pursued suspected Tories through swamp and woodland—the "nests of these obnoxious vermin"—and if they found a man with more guns than he ought to have, or in possession of powder, or who slandered Washington or denied the authority of Congress, they hurried him away to a trial where the doors of mercy were too often shut. The bitterest animosity of all conservative men was soon aroused against the revolutionary government.

A reaction began even within the Provincial Con-

[1] *Minutes of Provincial Congress of N. Y.*, II., 314–319.
[2] *Ibid.*, III., 73–76.

gress, and during the winter the loyalists enjoyed a respite, but in the middle of March, 1776, the Continental Congress ordered the seizure of the arms of all disaffected persons,[1] and the work was begun again — whole neighborhoods being thus disarmed and their weapons put in the hands of the Whig militiamen. In May the Provincial Congress began a crusade against Queens County, the stronghold of the loyalists.[2] A special committee directed the work, and until midsummer the loyalists were harried by the Whig militia, seized and sent to neighboring states on parole, or imprisoned at home. A British attack was feared and intestine enemies must be removed or chained.

In anticipation of such an attack upon New York, Washington, after taking possession of Boston, started the chief part of his troops towards the new seat of war. April 4, he left Cambridge, passing through Providence and New Haven,[3] and reaching New York, April 13, in company with General Gates. His troops came straggling in, delayed by bad roads and the lack of teams for the transportation of baggage.

The condition of the government in the city of New York greatly alarmed Washington. He feared he should "have a difficult card to play." In spite of the severe treatment of the Tories and loyalists,

[1] *Journals of Congress*, March 14, 1776.
[2] *Cal. of N. Y. Hist. MSS.*, I., 338.
[3] Baker, *Itinerary of General Washington*, 36.

their confidence was unabated, and the Tory governor, Tryon, who had fled on board the British ship *Asia*, encouraged them not to yield their arms —promising that a British army would soon come to their rescue. There was almost constant communication between the British ships and the Tories ashore. Washington at once urged the New York committee to prevent it by every means in their power.[1] "Even the enemy themselves must despise us for suffering it to be continued." He had long urged the seizure of Tory leaders. "Why," he asked, "should persons who are preying upon the vitals of the country be suffered to stalk at large, whilst we know that they will do us every mischief in their power?" As a result of military necessity the few months between the arrival of Washington and the coming of the British were months of terror for the loyalists. They inevitably suffered at the rough hands of the soldiers, though the intent was to treat them humanely.

Late in June, 1776, the Tory lot was rendered more wretched because of the discovery of a plot against the life of Washington. He was to be assassinated if necessary, but if possible he was to be seized and taken on a British ship to be tried for treason. Governor Tryon and the mayor of New York were apparently implicated, but the scape-goat was one of Washington's own guard, who was speedily hanged. The discovery of the plot

[1] Washington, *Writings* (Sparks's ed.), III., 357.

horrified everybody and threw great discredit upon the Tory party; though they had previously been gaining adherents among men who wished to learn what might be the famous "conciliatory policy" which Lord Howe was said to be bringing along with his invading army. Now their cause was hard hit, and day by day the patriots gained in power until, July 9 — just a week late — the New York Provincial Congress adopted the Declaration of Independence, and the last link was welded in the chain of colonies that were fighting for a place among the nations.

During the rest of the summer and autumn the chain was to be tested to its utmost. Battle after battle went against the new league, until only a few brave and patriotic men kept the weakened links from breaking. New York became the centre of the contest, and all of England's strength was bent on cutting the league along the line of the Hudson. New England seemed to be the head of the rebellion —sever that, they thought, and the rest of the serpent of rebellion would soon die. If they could seize and hold the line of the Hudson River they might take their time, they reasoned, in reducing isolated New England, which would soon be starved out for want of supplies drawn ordinarily in large part from the more fertile south.

This plan prevailed, though some of England's greatest military men were against it. They saw clearly that from a military point of view America

had natural strength. The colonies were three thousand miles from England. They had a thousand miles of sea-coast and a territory boundless in extent and resources. It would be hard to get armies to them, and harder still to subdue a people, nearly three millions in number, scattered along such an extended coast. The roads were bad, thus obstructing the movement of army trains; and much of the territory was only a wilderness, in which European soldiers would fight at a disadvantage. To attempt to conquer America internally, declared the military chief of the kingdom, "is as wild an idea as ever controverted common-sense." America, he wrote, was "an ugly job," and the British army would be destroyed by "damned driblets." To hold the Hudson and conquer New England would require thirty to fifty thousand men —all to be carried in sailing ships three thousand miles. Military men thought such a scheme hopeless from the start.[1] The secretary of war and others thought the war should be entirely naval. Occupy forts, shut off trade, and make predatory excursions inland, they urged. But the ministry were blind to the real conditions, and set about executing their own plan.

An unpromising state of affairs was revealed when they came to survey their resources. The navy had been allowed to decline, and in December,

[1] Commander-in-chief's letter-books, quoted in Fortescue, *British Army*, III., 167.

1774, in the face of impending war, the number of men was reduced from twenty to sixteen thousand. The army was left at its old number, and even in the spring of 1775 was only increased a paltry four thousand.[1] The king plead in vain for troops, and in desperation sent his own Hanoverian battalion to Gibraltar that its garrison might be released for American service. Only in August was an increase of twenty thousand men authorized by Parliament. Few recruits were available in England, however. "We are given up to profusion, extravagance, and pleasure," declared Horace Walpole; "heroism is not at all in the fashion. Cincinnatus will be found at the hazard table, and Camillus at a ball."[2] There was, too, a division of sympathy within the empire. Pitt withdrew his eldest son from the army to prevent his serving against America, and there was throughout England much feeling adverse to service against the colonists.

In their hour of need the ministry tried to hire soldiers from Russia, and, failing there, turned to the petty German princes who had long sold their subjects to pay their debts. Like Sancho Panza, Lord Irnham declared, they wished that all their subjects were blackamoors who might be sold and turned into ready money. The greatest of these half-dozen petty princes was the somewhat dignified

[1] Commander-in-chief's letter-books, quoted in Fortescue, *British Army*, III., 170.

[2] *Letters of Horace Walpole*, VI., 194.

landgrave of Hesse-Cassel, who kept the cast-off mistress of a French duke, welcomed French adventurers, and maintained a French theatre and *corps de ballet*.[1] He agreed to furnish twelve thousand men, and it is to be said for him that he took a real interest in his men, insisted that they be kept together, and reduced the taxes of his remaining subjects.

The least of these petty despots was the Prince of Anhalt-Zerbst, monarch of twenty thousand subjects, with whose affairs he refused to be troubled. His army was chiefly on paper, and of the six hundred men he agreed to send to America the majority were recruited outside of his own dominions. He was extremely sensitive to the troubles of his own ilk, and died with melancholy a few years later over the death of Louis XVI.—dying as he had lived, a "caricature of a royal martyr."

Of the nearly thirty thousand soldiers furnished by these princes during the war over a third never returned to Germany. Some lost their lives, but many remained among the people against whom they were sent. The character of the so-called Hessians is therefore of special interest. It is well illustrated by the autobiography of one of them, a wandering theological student, on his way to Paris.[2] He was seized by the recruiting officers of the landgrave of Cassel—that "great broker of men."

[1] Lowell, *Hessians in the Revolution*, 5, 6.
[2] Johan Gottfried Seume, *Autobiography*.

"No one was safe from the grip of the seller of souls." Recruits came in from the plough, the highways, and from the neighboring states. Persuasion, cunning, deception, force—all served, and the net caught political malcontents, spendthrifts, loose livers, drunkards, restless people—"an indescribable lot of human beings." Strangers of all kinds were arrested. There was "a runaway son of the muses from Jena, a bankrupt tradesman from Vienna, a fringe-maker from Hanover, . . . a monk from Würzburg," and a "Prussian sergeant of hussars." How willingly they all went, Schiller has pictured for us in his "Kabale und Liebe": "A few saucy fellows stepped out of the ranks and asked the colonels at how much a yoke the prince sold men; but our most gracious master ordered all the regiments to march onto the parade-ground, and had the jackanapes shot down. We heard the crack of the rifles, saw their brains spatter the pavement, and the whole army shouted, 'Hurrah! to America!'"

A defence was not wanting for this selling of men "to be dragged," as Frederick the Great wrote Voltaire, "like cattle to the shambles." Had not men in all ages slaughtered each other for hire? The Swiss had long been wont to fight as mercenaries; Xenophon's ten thousand Greeks did the same. It was a natural instinct of mankind. To Mirabeau's charge that it was "the greatest of crimes," "an offence against the freedom of nations," to send them to fight the freedom-seeking Americans, it was asserted

that America's boasted liberty was "a deceitful siren." Some of the princes had made a pretence of offering their aid to George III. without compensation, presaging the "Holy Alliance," the banding together of kings to suppress one another's rebellious subjects. As for the "dirty selfishness" of the princes, as Frederick called it, they intended to use the money to pay their princely debts. Foreign money would flow into their poor realms, and the troops would thus be fighting their ruler's worst enemies—his debts. The soldier would be paid, and would return with his savings, "proud to have worked for his country's and his own advantage."

In the English Parliament the treaties with the princes were violently attacked. They were denounced as "downright mercenary bargains for the taking into pay of a certain number of hirelings, who were bought and sold like so many beasts for slaughter." "Let not the historian," plead Alderman Bull, "be obliged to say that the Russian and German slave was hired to subdue the sons of Englishmen and of freemen."

Though there was a natural human sentiment against this hiring of soldiers, yet the opponents of the treaties had precedent against them. Mercenaries had been used to suppress the Highland rebellion, and a regiment containing many "hirelings" had been used in the American colonies—indeed, the colonies had not been loath to accept the aid of such troops themselves. The strongest argument brought

against the treaties was that, if Great Britain formed alliances and hired foreign troops, the colonies would feel justified in seeking like aid, and France, Spain, or Prussia might conceive that it had as good a right as the petty German princes to interfere in a domestic quarrel.[1] But all the Whig opposition—the eloquence of Fox and Barré and Burke—was in vain against this method of recruiting men, as it was against the bill for raising the strength of the army. The German soldiers were hired and shipped for America.

[1] *Parliamentary Register*, 1st series, V., 174–216.

CHAPTER VII

CONTEST FOR NEW YORK CITY
(1776)

FOLLOWING the ministerial plan of a campaign for the possession of the Hudson, Howe, who after his evacuation of Boston had waited helplessly three months at Halifax for his provision ships, left, June 7, for New York. Within three weeks he and his transports were off Sandy Hook.[1] His brother, Lord Howe, whose naval preparation in England had been delayed by a severe winter, arrived a few days later, convoying his transports loaded with German soldiers and a British regiment.[2] Howe decided to land at Staten Island, where he could watch the American attempts to blockade North and East rivers.

Howe's ships, therefore, came up the Narrows between Staten and Long islands (July 2) with a fair wind and rapid tide, a spectacle very alarming to the Whig inhabitants of New York. The city was in an uproar—the alarm-guns firing, the troops repairing to their posts, and everything "in the

[1] Kemble, *Papers*, I., 76, 79, 383.
[2] Fortescue, *British Army*, 181, 182.

height of bustle." [1] The next day the ships came up before the town, then only a small city of some twenty thousand souls at the southern end of Manhattan Island. A loud cannonade greeted the vessels, which consequently kept well on the Jersey side to avoid it. Day after day Lord Howe's straggling transports dropped in, and, August 1, Clinton, returning from the ill-starred and mistaken expedition to Cape Fear and Charleston,[2] arrived at Staten Island, swelling Howe's army to nearly thirty thousand men. Still there were delays, and it was not until late in August that the campaign could really be begun.

Before attacking the patriot army Lord Howe tried the conciliatory powers which the ministry, with the king's half-hearted sanction, had prevailed upon him to accept.[3] If peace could be made Lord Howe could make it, for the Howe family was beloved by Americans. One of the brothers had died in America's cause at Ticonderoga, and Lord Howe himself had spoken in Parliament in their behalf. Though he was the king's cousin, he had hitherto refused a military command in America, and George III. had touched his present commission when signing it as he would have touched pitch. On Lord Howe's voyage to America he was sure of "peace within ten days of his arrival."

Indeed, the radical leaders in Congress had feared

[1] Brooks, *Henry Knox*, 56. [2] Kemble, *Papers*, I., 83.
[3] Ford, in *Atlantic Monthly*, June, 1896.

as much. John Adams tried to frown the peace embassy down as an "arrant illusion"—"a messiah that will never come." "I have laughed at it, scolded at it, grieved at it," he wrote. To prevent its success, he hurried and fairly drove Congress to declare independence. As Howe's flag-ship neared the American coast he heard the salvos of guns fired as a salute to the new nation. Yet he did not give up hope, and he opened correspondence with prominent Americans, since his instructions forbade his recognizing or dealing with the Continental Congress as a body. He could only offer to individuals the full and free pardon of their king if they should desist from rebellion and lend their "aid in restoring tranquillity."

A letter with this offer was sent to "George Washington, Esq.," in the hope of avoiding the recognition of his title.[1] Neither the effusive politeness of the messenger, nor his "may it please your excellency," nor his assurance of Howe's benevolent disposition, could induce Washington to receive the letter. The Americans had not offended, he said simply, and they needed no pardon. All that the envoy could secure was Washington's "particular compliments" to Lord Howe and General Howe. Henry Knox thought the messenger awe-struck;[2] and well he might be, the young admirer added, for "he was before a very great man indeed." Failing with Washington, Howe sent circular letters to the

[1] Kemble, *Papers*, I., 81. [2] Brooks, *Henry Knox*, 59.

royal governors, who now, however, were in jail or on British ships, and quite impotent to publish proclamations of pardon. But Congress secured a copy and published it, to be jeered at by the impenitent Whigs.

General Howe now proceeded to execute his part of the military plan. He was to seize New York, while General Carleton was to come down from Canada, retake Ticonderoga, and get control of the headwaters of the Hudson, together with its great feeder, the Mohawk Valley. Howe's task was comparatively easy. Of British and Hessian soldiers he could muster some twenty-five thousand, well equipped and trained,[1] while Washington, with some eighteen thousand ill-disciplined and badly armed men, was without the key to the situation, the control of the waters about the city. He must distribute his scanty forces about New York, in the forts outside, and on Long Island. Brooklyn Heights commanded New York just as Bunker Hill commanded Boston; and to retain New York, Washington must, he thought, hold the heights.[2] The summer had been devoted to the hopeless task of strengthening the intrenchments there, and General Putnam, with some nine thousand men, was in command.

Against this force on Long Island Howe deter-

[1] Fortescue, *British Army*, III., 182.

[2] C. F. Adams, "Battle of Long Island" (*American Historical Review*, I., 650).

mined to move first. August 22, he effected a landing near the Narrows with some fifteen thousand men.[1] Four days of reconnoitring convinced him that the American advance lines, some five thousand men under General Sullivan and General Stirling, could easily be driven from the position which they had taken along some wooded heights, between the British army and Brooklyn. Through these hills there were three roads, two of which, the westernmost and the centre, were covered by Stirling and Sullivan, but the one far to the east being unguarded, might be used as an approach to the rear of the defenders.[2] Undertaking the flank movement himself, he sent two detachments straight to the attack upon Stirling and Sullivan. Howe's army was so overwhelmingly greater than his opponent's that there could be but one outcome. Both American divisions were half defeated in the face-to-face encounter, and then utterly routed by the attack in the rear which Howe successfully managed. Both of the American commanders were captured as well as some one thousand one hundred officers and men, and each army lost between four and five hundred killed and wounded.[3] The battle of Long Island was for the Americans a complete defeat, a foregone result, due to several causes, but chiefly to the overwhelming numbers of the British.

[1] Kemble, *Papers*, I., 85.
[2] Washington, *Writings* (Sparks's ed.), IV., 68, map.
[3] Kemble, *Papers*, I., 85, 86.

In the hope of still holding Brooklyn Heights, and thus saving New York, Washington reinforced his position until he had about nine thousand men to meet the attack by storm which he hoped Howe would undertake. For the time an unfavorable wind prevented the British ships coming up into East River, and thus cutting off a retreat, should that become necessary. But Howe seemed to be settling down for a regular siege which could have but one end, and the northeast wind must change ere long. The danger was too great, and in the night of August 29 Washington crossed to the island and personally directed a retreat across the river to New York.[1] Boats were gathered from all the waterfront of Manhattan Island, and there were chosen to man the transfers the fishermen of Marblehead and Gloucester, who were serving with the Massachusetts troops. A heavy fog favored secrecy, but it is strange that the enemy, who were plainly heard working with their pickaxes, should not have heard the bustle and unavoidable noise attendant upon moving ten thousand men with baggage, provision stores, horses, and munitions of war. Howe was early apprised of the movement, but his pickets only arrived in time to fire a few shots at the rearguard. The British general, sneered a critic, calculated "with the greatest accuracy the exact time necessary for his enemy to make his escape."

Unwise and unskilful as Washington had been on

[1] Washington, *Writings* (Sparks's ed.), IV., 69–71.

this occasion, he was not the man to make the same error twice. Never again did Howe have so golden an opportunity to end the war with a single stroke. As military critics have pointed out, Washington's army was the real stay of the rebellion, and the capture or destruction of it should have been the object of every campaign, instead of the seizure of a city like Philadelphia or New York, or even the control of a line like the Hudson, which would only sever the colonies, but by no means subdue them.

Lord Howe, the peace-maker, seemed quite satisfied with the British victory on Long Island. Hoping to find the Americans in a more penitent state of mind, he sent the captured General Sullivan —a sort of "decoy duck," as John Adams said, with a sneer—to urge Congress to send some of its members, in their private capacity, to confer with the king's peace commissioner. There was acrimonious debate, and dark hints of treachery were uttered; but Adams and Rutledge and Franklin were finally sent as a committee from Congress. Upon their arrival at Staten Island they were met by Lord Howe, who thanked them for their confidence, and after a social hour at dinner began his efforts to cement the broken fragments of the British Empire.[1]

He apologized for bearing both the sword and the olive-branch, saying that his desire had been for a purely civil commission, with which he might go

[1] See the report of Howe's secretary, Strachey, in *Atlantic Monthly*, LXXVII., 759.

straight to Philadelphia. He had, however, hoped to find Congress in the same frame of mind as when it sent its petition to the king. He feared that the Declaration of Independence would prevent peace-making, for he had no power to consider America except as part of the empire. He had no power even to confer with the gentlemen present except as men of great ability—influential men of the country—and he hoped no implication of theirs would commit him on that point. Franklin here blandly assured him, "You may depend upon our taking care of that, my lord." He might consider the gentlemen in any view he thought proper, Franklin said, with humorous diplomacy, adding that they were also at liberty to consider themselves in their real character. Adams did not object to being considered as a private gentleman—"or anything but a British subject."

Howe then urged the necessity of treading back the step of independency if they were to get any concessions from the king. He declared that the king desired America's happiness, would reform whatever affected the freedom of their legislation, and would concur with Parliament in the redress of grievances. The dispute, Howe thought, seemed to concern only the method of getting aid from America for the defence of the empire. "That we have never refused upon requisition," Franklin interposed; but Howe said that the *money* did not matter. England wanted America's strength, her commerce, and

her men. "Ay, my lord," said Franklin, "we have a pretty considerable manufactory of men."

To Howe's anxious inquiry whether the act of independence could be recalled, Franklin replied that America could not now expect happiness under the domination of Great Britain—the former attachment was obliterated. Congress had been instructed by the colonies, Adams added, to declare independence, and it could not rescind if it wished. Rutledge thought it worth the consideration of Great Britain whether she would not receive greater advantages by an alliance with the now independent states than she had hitherto enjoyed from her colonies. The American people were now settled and happy, and it was useless for England to hope for their political allegiance again. Howe replied that he had no power to treat on this basis, and could not hope to receive such power, adding, testily, that he was sorry the gentlemen had had the trouble of coming so far for so little purpose. When Franklin started to say something about "total submission," Howe interrupted with a denial that the king had any wish for "unconditional submission." Expressing his disappointment again, he ended the conference. One last effort he made, September 19, with a declaration, circulated far and wide by the loyalists. The British government was ready, he declared, to reconsider the aggravating acts and instructions. All fair-minded people were asked to decide for themselves whether it was not wiser

to rely on this solemn promise than commit themselves to dangerous and unrighteous war. After this last flourish of the olive-branch the British commanders turned again to the task of seizing New York.[1]

After some delays and futile attempts to hold the city, Washington determined to withdraw.[2] He and General Greene wished to burn the city, but Congress and the council of war were against such action.[3] The main army retired to Haerlem Heights none too soon, for the united action of the British ships-of-war enabled Howe to make a landing at Kip's Bay, and quickly to throw a line across Manhattan Island, several miles north of the city. The British troops thus nearly penned up and captured three or four thousand American soldiers who had been left in the city. Howe now took possession of New York, and the Americans strongly intrenched themselves just above Haerlem.[4]

When New York and Long Island passed into the control of the British army, the Whig power was there wholly overthrown. The Tories expressed their exultation in loyal addresses to Lord Howe, joyful that they had been "restored to the king's most gracious protection." From the day that the British soldiers entered New York until the last one

[1] On the whole negotiation, Force, *Am. Archives*, 5th series, II., 398, 1329.

[2] Washington, *Writings* (Sparks's ed.), IV., 91.

[3] Force, *Am. Archives*, 5th series, II., 182, 135.

[4] Washington, *Writings* (Sparks's ed.), IV., 101–105, 94, 95.

left in 1783, the persecuted Tories had a sanctuary. From every colony they came by boat, on foot, in carriage, or on horse, thanking God when they passed within the British lines and left behind them the din of persecution.[1]

The Whigs of Long Island were at once disarmed and compelled to take an oath of allegiance. There was in general, however, a loyal spirit, and not hypocrisy, in the welcome extended to the British soldiers. The few real Whigs now received measure for measure from the lately persecuted Tories. Their cattle were stolen, their orchards cut down for firewood, and their Presbyterian churches defiled and ruined. The British cavalry used the sanctuaries for stables, and mischief-loving Tories sawed off the steeples.[2]

This exhibition of rage against the Presbyterian sect was due to the belief that "Whig" and "Presbyterian" were synonymous. In New York and New England there was a plain party division along religious lines.[3] Just before the Revolution the British ministry had been thought to have the design of sending an Anglican bishop to America, holding a state church to be an essential part of a body politic. Though the ministry had no such purpose,[4] the Presbyterians and Congregationalists opposed the fan-

[1] Van Tyne, *Loyalists*, 128.
[2] Onderdonk, *Revolutionary Incidents of Long Island*, 132.
[3] Col. Soc. of Mass., *Transactions*, III., 42.
[4] Cross, *The Anglican Episcopate*, 199.

cied intention and talked much of the danger that Parliament might next collect tithes and crush heresy. In New England this dispute pitted the Episcopal and Congregational churches against each other, and, because the former received British support, that sect came to be regarded as leagued with the Tories.

In New York the De Lancey, or Tory, party was of Anglican faith, while men of the Livingston, or Whig, party were, as a rule, Presbyterians. Throughout America the judges, lawyers, collectors of ports, and all crown officers were natural supporters of the king and Parliament, and, as they were generally members of the Anglican church, the Whigs were quick to regard them and their religion as opposed to the revolutionary movement. They accused the Anglican clergy of writing home "amazing falsehoods," and they made much of one Samuel Peters's letter, prophesying the sacrifice of the Episcopal church "to the rage of the Puritan Mobility, if the old serpent" were not bound. Later, when war was impending, he wrote of the Puritans, "spiritual iniquity rides in high places." Their preachers on their "pious sabbath day" left their pulpits for gun and drum, "cursing the king, Lord North, General Gage . . . and the church of England." [1]

Evidence of this double political and sectarian antipathy was everywhere visible. The Whig mob

[1] *Journals of Each Prov. Cong. of Mass.*, 21.

cried, "Down with the church" and the "rags of popery." In New York the Sons of Liberty were denounced as a "Presbyterian junto." Though there were Anglicans among them, their leaders were declared to be "turbulent, anti-monarchical Presbyterians." The men in Presbyterian pulpits were accused of "spiriting their godly hearers to the most violent opposition to government." As the war advanced, altar was arrayed against altar. If, as we have seen, the Tories insulted Presbyterian churches, Whigs were ready for any vandalism against Anglican sanctuaries. While the British used a Presbyterian church as a guard-house and the pulpit pillar as a hitching-post, a troop of American cavalry was quartered in an Episcopal rectory, using the church as a hospital and the pews as firewood.[1] Tories were branded with the sign of the cross. The Puritans were denounced as "surly, humdrum sons of liberty" — "those hypocritical fanatics who brought the best of princes to the block."[2]

So prominent was this religious phase of the struggle that men of limited understanding asserted that the Revolution was a religious war, but they saw only that phase in which they were interested. At no period of the war were there greater signs of antipathy between the rival religious sects than in the weeks that immediately followed the capture

[1] *Narrative of Walter Bates*, 5.
[2] Mass. Hist. Soc., *Proceedings*, 2d series, XII., 141.

of New York, yet the political strife was even then by far the most prominent. Except at a later time, in South Carolina, partisan wrath and persecution never were hotter than in the Whig régime that preceded the capture of New York and in the hour of Tory triumph that followed it.

CHAPTER VIII

FROM THE HUDSON TO THE DELAWARE (1776)

BY the capture of New York City Howe had gained part of the object of his campaign, but he hoped daily, and in vain, that Carleton would report the seizure of Ticonderoga, thus placing in British control the two ends of the coveted line of the Hudson. Carleton was delayed by the stubborn and desperate Benedict Arnold, who, after the stormy night of December 31, 1775, when his little army was repulsed before Quebec, grimly fought, step by step, all the dreary way out of Canada.

After the first repulse Arnold received reinforcements enough to keep Quebec in a state of blockade; but small-pox, and desertion because of the terrors of a winter camp,[1] depleted his force, until Carleton drove the little army from the Plains of Abraham, with the aid of British vessels arriving when navigation opened. Carleton, reinforced by Hessians until his army numbered thirteen thousand men, pushed Arnold back and back until he reached

[1] *Journals of Congress*, July 30, 1776.

Sorel and was reinforced. General John Thomas, assigned to the command in Canada, reached the army late in April, but died soon, so that Arnold was in actual control of the whole retreat. Montreal was now retaken by Carleton, and then the pursuit of Arnold was resumed, until the Americans, after a loss of five thousand men, were driven wholly out of Canada, and in June, 1776, stood at bay, determined to prevent the British gaining control of Lake Champlain.[1]

All of Arnold's fierce energy and courage were aroused. While Carleton was gathering a fleet of overpowering strength Arnold constructed, out of the standing timber of the forest, a flotilla of some sixteen vessels, with which he meant to harass and delay Carleton until it should be too late in the season to capture Ticonderoga.[2] He took his stand at Valcour's Island early in October, and when Carleton with an overwhelming fleet bore down upon him, Arnold gave the British seven hours of desperate fighting. The American fleet was almost destroyed, but in the mists of the night Arnold slipped away towards Crown Point. Mending leaks, saving sinking crews, and sailing or rowing as he could, he neared the fort before the enemy overhauled him. Another four hours of furious combat saved the remnant of Arnold's force, and after land-

[1] Force, *Am. Archives*, 4th series, VI., 1102–1108, 587–596.

[2] See A. T. Mahan, "Naval Campaign on Lake Champlain," in *Scribner's Magazine*, February, 1898.

ing at Crown Point he led his men safely through the woods to Ticonderoga.[1]

Carleton came up before that fortress, but thought it too strong to be taken, and led his army back into Canada, to the surprise of his foes and the chagrin of his friends. This strange conduct delayed the campaign of the following year, and thus Arnold's skill and wonderful energy were rewarded. But for this delay Burgoyne would have succeeded, there would have been no surrender at Saratoga, and there probably would have been no French alliance. This seemingly petty conflict set going vast forces which soon involved in war half the civilized nations of the world.

While this struggle was at its worst in the north, Howe, on the lower Hudson, was meeting a new problem of his own. The British army held New York City, but the Americans were strongly intrenched beyond the Haerlem. They were a constant menace; and, besides, Howe felt that he could hardly close the campaign for the year without making an attempt to capture them. Had he known the condition of Washington's forces he would have been justified in leaving it to resolve into its natural elements without the aid of an annihilating attack.[2]

Washington's army, even before its defeat on Long Island, was but an ill-organized collection of militia companies. Washington had pleaded with

[1] *Gentleman's Magazine*, XLVII. (1777), 42.
[2] Washington, *Writings* (Sparks's ed.), IV., 131, 161.

Congress for an adequate regular army, but the fears of military despotism and the financial straits of Congress prevented such action. The militia was quite unfit for the task. As Henry Knox wrote, they "get sick, or think themselves so, and run home; and wherever they go they spread a panic."[1] After the retreat from Long Island Washington wrote letter after letter to Congress telling how poor was his faith in militia. The defeat "has dispirited too great a proportion of our troops," he lamented. "The militia . . . are discouraged, intractable, and impatient to return." Great numbers had gone off, "almost by whole regiments, by half ones, and by companies at a time." Their example, of course, infected the rest of the army. "To place any dependence upon militia is assuredly resting on a broken staff," Washington declared, and he added that he would subscribe on oath that they had been hurtful rather than serviceable. No dependence could be put on them or other troops, he assured Congress, than those enlisted and embodied for a longer period than the regulation then allowed. A permanent standing army was needed.[2]

Discipline was quite impossible under the existing system. There is "an entire disregard of that order and subordination necessary to the well-being of an army," Washington asserted. Men who have

[1] Brooks, *Henry Knox*, 64.

[2] Washington, *Writings* (Ford's ed.), III., 16, IV., 379, 380, 429, 443, 456 et seq., 473.

been free and subject to no control cannot be reduced to order in an instant. The example of their insubordination was contagious, he declared. Good officers might remedy this condition, but there were no other possible means to obtain them, Washington told Congress, but by establishing the army upon a permanent footing and giving the officers good pay. This will induce gentlemen and men of character to engage, he added, bitterly. While the men regard an officer as an equal, or "regard him no more than a broomstick," no discipline can prevail. But Congress was not yet ready to put the blind faith in its military leader that it learned at a later time. He was left to struggle as best he could against superior numbers and superior organization.[1]

To capture this "receptacle for ragamuffins," as one of Washington's staff described the American army, Howe devised the only feasible plan.[2] Back of Washington's position the land lying between the Hudson and Long Island Sound constantly widened, yet the British fleet might push past forts Lee and Washingon, which guarded the Hudson near the Haerlem, and land a force back of Washington's army, while troops might also be landed on the shore of Long Island Sound in the rear of his left.

After Howe had assured himself that the forts might be passed, he determined to cut Washington's

[1] Washington, *Writings* (Ford's ed.), IV., 400, 440, 443.
[2] Fortescue, *British Army*, III., 187 et seq.

communications with Connecticut, and get behind him if possible. With the main division of his army Howe landed (October 12) some nine miles up the East River, and, finding himself thwarted there, he pushed on to Pells' Point. Washington was too wary to be hemmed in. After reinforcing Fort Washington he intrenched his army along a line of eighteen miles, from Haerlem to White Plains, hoping to check the British advance. On October 28, one of his outposts was stormed at a considerable loss to the British, and the affair became known as the battle of White Plains. Instead of pushing this advantage, Howe delayed several days, and Washington retired to North Castle, a position too strong to be safely attacked.[1] Howe then moved towards the Hudson, threatening a move on Philadelphia, but really hoping to draw Washington out of his stronghold.

To meet this feint of Howe's, Putnam was sent across the Hudson to Hackensack. The Highlands were then guarded by a force placed at Peekskill, while Charles Lee, who had just returned from South Carolina, was left with seven thousand men on the east side of the Hudson until he should be ordered to join Washington. The large force still detained as the garrison of forts Lee and Washington should now have been withdrawn, for British ships had easily passed them and proven them useless. Wash-

[1] Washington, *Writings* (Sparks's ed.), IV., 151; Kemble, *Papers*, I., 93, 96.

ington ordered them abandoned, conditionally,[1] and went himself to seek a site for a surer defence of the Hudson at West Point. He had hardly left the scene when Greene, who had been given discretionary powers, reinforced it, and Howe, on November 16, turned upon it with an overwhelming force and compelled its surrender with some two thousand six hundred of the best American troops.[2] This was one of the severest blows suffered by the American army during the war.

Washington now had but six thousand troops on the Jersey side of the Hudson, and Lee was ordered to bring over his seven thousand reserves at once. The command was ignored, however, and when Howe crossed the Hudson with five thousand men and descended upon Fort Lee there was nothing for the garrison to do but to abandon its stores and flee to the main division, which lay between the Passaic and the Hackensack rivers. The whole army was in danger there, and Washington marched it southwestward to Newark, while he daily urged Lee to come to his aid.[3]

Charles Lee was vainglorious and wilful to the point of treason. He saw in Washington's present straits a chance to improve his own fortunes, for if the commander-in-chief should be overwhelmed, Lee, who was next in rank, would doubtless succeed

[1] Washington, *Writings* (Sparks's ed.), IV., 164, 183.
[2] Kemble, *Papers*, I., 100; Washington, *Writings* (Sparks's ed.), IV., 183. [3] Moore, *Treason of Chas. Lee*, 47, 48, 187–193.

him. The simple-minded Americans of that day were greatly impressed by this showy, eccentric soldier, who had been an aide-de-camp to the Polish king, commander of the Cossacks, and a warrior since his eleventh year. Had he not smoked with the Mohawks in their councils, chatted with Frederick the Great, and fought the Turks? There were prominent men in Congress who thought him a military genius, and while they contrasted Lee, the supposed hero of Charleston, with Washington, the defeated commander-in-chief, their folly was fed by insidious letters suggesting a change in the command. Lee insinuated that if any of the members of Congress had studied Roman history they might see the wisdom of making him dictator for a week.[1]

While Lee paltered and delayed, Washington was helplessly retreating before the overpowering force of the enemy. Repeated disaster took away the heart of the soldiers, the terms of their enlistment were expiring, and the longing for home drove them to madness. They deserted or refused to enlist again, and the army dwindled until only three thousand stood with their devoted chief on the bank of the Delaware, near Trenton. Though Howe might have overtaken them there, he again calculated the exact time for his enemy to escape. Washington caused every boat for miles up and down the Delaware to be seized, and he had the last

[1] Moore, *Treason of Chas. Lee*, 42.

boatful of his troops on the opposite bank as Howe's advance-guard reached Trenton on December 8. Pursuit had to be abandoned, because no boat could be found along the Jersey shore.

Five days later Charles Lee, who had finally crossed the Hudson with his fast dwindling army, and who idly waited for a chance to make the brilliant stroke which would give him the chief command, was surprised in his tavern quarters at Basking Ridge. Bareheaded, uncloaked, unarmed, and in his usual eccentric ill-dress, he was hurried off on horseback a prisoner, ranting and railing at his faithless guard. This was thought another terrible loss by the simple folk of that day, who believed him "a most consummate general."[1] The patriot cause seemed all but lost. Lord Howe and his brother assured the British ministry that New Jersey was in their hands. General Howe, sure that the colonies were severed at the Hudson, and their main army worn out, detached a force under Lord Percy to seize Newport as a convenient base for the work of reducing New England.[2] The British general was looked upon as another Cæsar, who came and saw and conquered. It was reported that Franklin, who had sailed for France, had fled thither for safety. Europe looked upon the American cause as lost, and Voltaire wrote in sorrow that "reason and liberty are ill received in this world."

[1] Force, *Am. Archives*, 5th series, III., 1204, 1232, 1247, 1411.
[2] *Ibid.*, 926.

America was in despair, and Philadelphia, threatened by the British army, was panic-stricken. Congress fled to Baltimore, in spite of vigorous opposition to so craven an act.[1] Samuel Adams, in his religious fervor, declared that Providence would even work miracles "to save the city and to establish America's feet upon a rock." With the flight of Congress fled the little credit that it had. Its paper money was openly refused, or, if taken, brought but half of its face value.[2] The frightened citizens tried to save their property. The whole city seemed to be on wheels, Robert Morris wrote. Beds, furniture, and baggage filled the streets. Few but Quakers and sick soldiers remained with Morris, who courageously stuck to his post, borrowing from house to house the money needed to uphold the patriot cause.[3] Amid this "scene of greatest distress," this financier of the Revolution worked with prodigious energy, urging to completion the embryo navy which was yet on the stays in the ship-yards, and striving with a handful of troops to put the city in a state of defence.

Not only was the British army feared, but the Tories of the city grew bolder as the invading army drew nearer. Indeed, toryism had greatly increased both there and in New Jersey. The wavering,

[1] *Journals of Congress*, December 20, 1776.
[2] Force, *Am. Archives*, 5th series, III., 1334.
[3] Oberholtzer, *Robert Morris*, 24.

neutral masses of American society lay between the two extremes of political thought, the Whigs and the Tories, and when success came to either cause the flood set irresistibly that way, moving towards the point of least resistance. The fear of this adverse tide was always before Washington. "One unhappy stroke will throw a powerful weight into the scale against us," he wrote,[1] "enabling General Howe to recruit his army as fast as we shall ours." Early in the struggle the royal governors had asserted that the loyalists were in the majority, which was amply true if the indifferent masses were counted with the active supporters of the king. Yet this was no available source for swelling the British ranks, since the masses were no more ready to fight with England than against her. Except the radical and active Tories, men were not willing to go further than to sell their commodities to the highest bidder.

During Howe's march through New Jersey every facility of the country was at the beck of British gold. Farmers eagerly sought the camp with their produce.[2] Millers smuggled flour to the British when they had none for Washington's retreating "starvelings." Horses were sent in droves to the British lines. Yet this eagerness to aid the invader measured the difference between British gold and

[1] Washington, *Writings* (Ford's ed.), IV., 470.

[2] Stevens, *Facsimiles*, No. 2068; *Conn. Public Records*, I., 528; *R. I. Records*, VII., 388; *Del. Session Laws*, May 20, 1778.

American paper money rather than the love for either cause. This lack of devotion to the cause deeply grieved the patriot leaders. "The spirit of venality," wrote John Adams, "is the most dreadful and alarming enemy America has to oppose. . . . [It] will ruin America, if she is ever ruined. If God Almighty does not interfere by his grace to control this universal idolatry to the mammon of unrighteousness, we shall be given up to the chastisement of his judgments. I am ashamed of the age I live in."[1]

Besides these men who supported the British for gain, there were those whose loyalism was real and whose activity began to be severely felt in the contest. The thousands of refugees to New York, after it passed into British hands, found a hundred ways to aid their protectors. They knew the American people as the English did not, and they preyed upon them until there was no hate like the hate of a Whig for a Tory. They went as spies among the patriots, stole their powder from their magazines, and robbed their stores of salt.[2] They sowed sedition and intimidated the people by false news. Credulous men were told that the king had hired fifty thousand Russians—terrible Cossacks, who would not spare man, woman, or child. In the guise of peddlers the Tories went among the people discouraging enlistment, until Washington's

[1] John Adams *Familiar Letters*, 232.
[2] Van Tyne, *Loyalists*, 148–151.

wrath was great against "their diabolical and Insidious Arts."[1]

Tory emissaries were they who, early in December, 1776, carried Lord Howe's broadsides among the people of New Jersey and the near provinces. To half-hearted patriots pardon was offered on the condition of their taking an oath of allegiance to the king. Nearly three thousand people took the oath, and only the outrages committed by the British and Hessians on their march through New Jersey prevented the people of the province from settling down as contented British subjects.[2] Washington had found very few of them willing to join his retreating army, and if none entered the enemy's ranks it was because the British officers rather scorned these loyal recruits, and employed them only as hewers of wood and drawers of water.

Able loyalist writers of that day asserted that the British lost America because of their unwillingness to enlist and use the loyal citizens who were eager to aid in overthrowing the rebellion.[3] For the moment, however, the British seemed in no need of loyal aid. Washington's army had dwindled to a few thousand wretchedly equipped and dispirited men. His only hope was in the enlistment of a new army. If this fails, he wrote, "I think the game

[1] Washington, *Writings* (Ford's ed.), IV., 90.

[2] "Plundering by the British Army," in *Pa. Magazine*, XXV., 114; *N. J. Archives*, 2d series, I., index under "British" and "Jerseys."

[3] *Galloway's Examination;* Jones, *American Revolution*, passim.

is pretty nearly up." "No man," he believed, "ever had a greater choice of difficulties, and less means to extricate himself from them." He did not think the cause would finally sink, "though it may remain for some time under a cloud." [1]

While the commander-in-chief was desperately planning to retrieve his fallen fortunes, "Tom" Paine, who had marched all the terrible way from Fort Lee to the Delaware, finished "The Crisis," a pamphlet written by night, at the winter camp-fires, while the fugitive army was sleeping.[2] It was printed on December 19, and within a week copies were passing about the camp, inspiring the soldiers and bracing them for the desperate work that had been laid out for them. "The summer soldier and the sunshine patriot" Paine expected to shrink from the service, but the faithful deserve "the love of man and woman." "The harder the conflict the more glorious the triumph." "Heaven," he wrote, "knows how to put a proper price upon its goods; and it would be strange, indeed, if so celestial an article as Freedom should not be highly rated." The last three wretched weeks were raised from the depths of ignominy. To Paine the retreat was "glorious," and the names of Washington and Fabius would "run parallel to eternity." [3]

Washington had just been reinforced by the men

[1] Washington, *Writings* (Sparks's ed.), IV., 231.
[2] Conway, *Thomas Paine*, I., 85.
[3] *Almon's Remembrancer*, 1777, p. 29.

that Lee had so long withheld. He knew that Howe's army had been unwisely stretched in a long line, and he resolved to break its centre at Trenton. The American army, now six thousand strong, was to cross the Delaware in three divisions, two of which were to converge at Trenton, where the Hessians, under Colonel Rall, were encamped, and the third to attack Count Donop's forces at Burlington. So stormy and terrible was the night that two divisions failed to cross, and, though Washington knew it, he desperately determined to make the attack with some two thousand five hundred men under his own command. "Necessity, dire necessity," he wrote, must justify him. Ten hours of the stormy Christmas night were spent ferrying the army through the floating ice to the Jersey side. Nine miles through storm and hail brought the devoted soldiers to Trenton, which was entered "pell-mell," as Henry Knox wrote.[1] "The hurry, fright, and confusion of the enemy," he continues, "was not unlike that which it will be when the last trump shall sound. They endeavored to form in the streets," but the American cannon cleared them "in the twinkling of an eye."[2] They fled back of the houses for shelter, but the musketry dislodged them. They were driven through the town to an open plain beyond, where they quickly formed, but were surrounded, and in despair surrendered. Over a thousand were

[1] Stryker, *Battles of Trenton and Princeton*, 371.
[2] Brooks, *Henry Knox*, 80.

taken, and the patriots recrossed the Delaware to put them in safe-keeping.[1]

The brilliant exploit had its immediate reward. The army, which but yesterday had been eager to disband as soon as its term of enlistment expired, now, in a great part, re-enlisted for six weeks.[2] The soldiers did demand an outrageous bounty, it is true, but Washington thought it no time to stand on trifles, when trained soldiers were so much needed. A large force of Pennsylvania militia also joined his army,[3] and he again crossed the Delaware (December 29) and occupied Trenton.

Meanwhile, Cornwallis hurried from New York, and, taking eight thousand men from the camp at Princeton, advanced upon Washington, hoping to "bag the old fox," but, by a manœuvre which justified the British epithet, the American commander evaded this overwhelming force, and made a midnight march to Princeton, where (January 3, 1777) he defeated three British regiments and then retired to the heights of Morristown.[4] Cornwallis then retreated to New Brunswick, and the greater part of New Jersey was soon recovered from the invader.

The rapid and brilliant manœuvre of the American army had thus in ten days robbed the British of the fruits of a whole summer's work, except the

[1] Washington, *Writings* (Sparks's ed.), IV., 246–248.
[2] Bancroft, *United States* (ed. of 1866), IX., 240.
[3] Washington, *Writings* (Ford's ed.), V., 136, 137, 141.
[4] Washington, *Writings* (Sparks's ed.), IV., 258

possession of New York City. Washington had taken a broken-spirited army, ready and eager to disband, and had led it to a victory which changed its despair to confidence and the British scorn to a wholesome fear. America was fired with enthusiasm, and new recruits filled the depleted ranks. Hessian soldiers, lured by offers of bounty-lands and disgusted with British failures, deserted to Washington's army. America's friends in England were encouraged, while the hopes of the king were blasted. In Europe the efforts of American emissaries to get aid, and especially to make an alliance with France, were furthered by the cheering news.

One of the most important results of the expulsion of the British from New Jersey was the deathblow to the loyalist hopes. In the expectation of British protection, they had taken oaths of allegiance to the crown, and now they were left to the mercy of the American army. Already their uprisings in Maryland, Delaware, and North Carolina had been overthrown because they were unsupported by the British army.[1] The abandonment of New Jersey was the final lesson. Loyalty was discouraged, for its efforts seemed only to involve it in ruin.

Washington now proclaimed that all who had accepted protection from Lord Howe must take an oath of allegiance to the United States or retire to the British lines.[2] Many who had given aid to the

[1] Van Tyne, *Loyalists*, 219 et seq.
[2] Washington, *Writings* (Ford's ed.), V., 201 et seq.

invading army were obliged to abandon families and homes and flee to New York. Others remained to endure persecution or ignominiously retract their oaths to Lord Howe and swear allegiance to the patriot cause. Many, indeed, kept about their persons certificates of loyalty to both causes, using either as emergency might require.

Not the least of the advantages gained by the victories was the time given Washington, in his winter camp at Morristown, to recruit and reorganize his army on the basis of measures recently adopted by Congress. They saw at last that Washington could not perform miracles with little bands of militia enlisted for from three to six months, and working together like a group of little allied armies, which came and went with capricious irregularity. The states had been asked in September to enlist for the war sixty-six thousand men. Each state was assigned certain proportions—which were never heeded—and Congress promised to pay and support the men after they were once clothed and armed. The states were to select and Congress to commission the officers. Congress thus put aside the general prejudice against standing armies which Washington had labored for months to dispel. After the Christmas victory Washington was ordered, in addition to the state militia, to enlist, in the name of the United States, sixteen battalions of infantry, three thousand light-horse, three artillery regiments, and

a corps of engineers.[1] In the enthusiasm of the moment they made their commander-in-chief the dictator that Lee had aspired to be. Washington was authorized to appoint and displace all officers under the rank of brigadier-general, to seize, when people refused to sell, whatever was needed for the support of the army, after paying a fair price, and to arrest and confine, awaiting civil trial, all persons opposed to the American cause or refusing the Continental paper money.[2]

Using these powers, which were vested in him for six months, Washington made every effort with the aid of liberal bounties to raise the number of men voted by Congress, but he found the states to be vexatious rivals.[3] They passed laws draughting men into the service of the state, and by fines and imprisonment drove the draughted men into their armies. This means was closed to Washington, who derived his power from Congress, which, since the Declaration of Independence, might seem to govern the whole country, but whose authority, having no legal foundation, rested on common consent and plain necessity. The members were in some cases merely the choice of conventions which represented small numbers of the people and which acted with obvious irregularity. Not even the state assemblies could be said to be represented

[1] *Journals of Congress*, September 16, 1776, December 27, 1776.
[2] *Ibid.*, December 27, 1776.
[3] Washington, *Writings* (Sparks's ed.), IV., 353.

by the delegates in Congress. For these reasons it behooved both Washington and Congress to use their powers with great discretion. As a result of the most strenuous appeals to the states to raise their quotas, Washington's army was increased from some one thousand five hundred men in January, 1777, to about four thousand in March, but from that time until summer desertions and enlistments were about equal.[1]

[1] Washington, *Writings* (Sparks's ed.), IV., 447.

CHAPTER IX

FRAMING NEW STATE GOVERNMENTS

(1776–1780)

DURING the long and disheartening campaign of 1776, while Washington was being driven out of New York, up and across the Hudson to New Jersey, and across that state into Pennsylvania, the several states were courageously adopting new governments—preparing to govern themselves in their own way. The political union with Great Britain was severed if they could make good the Declaration of Independence, but America had yet to free herself from the old European forms of government. To break from Great Britain was mere rebellion; but to set up new political institutions which might better the lot of mankind would be a real revolution — an achievement the most important in the political history of the world. Men felt the gravity of their work, and, as John Adams said, the "manufacture of governments" became for a time "as much talked of as that of saltpetre was before."

The problem before the leaders of that day was a serious one. John Adams had seen with delight "an

end to royal style, titles, and authority," but neither he nor Washington, nor Franklin nor Jefferson nor Jay, had ever, until very recently, expressed a preference for a republic. George III. was renounced, not because he was a king, but because he was a tyrant. The thirteen colonies which had cast off their allegiance to him could not for the moment find a substitute for his unifying royal office, but each for itself set about forming separate republics [1] modelled upon the old charter governments, yet altered to meet certain political ideals which for the time held fast hold upon American minds. Side by side with the struggle for American liberty and the growth of the idea of independence was seen a rise of democratic power in America.

In the making of the new frames of government the American leaders were realizing the teachings of political philosophy. Following certain theories, they were making new political experiments—substituting for monarchy and nobility democratic forms, some of which had been suggested by the political thinkers of a century before, but which could get no trial in the English system of that day. New ideas there were also which were the product of the present revolution; and, again, there were old ideas which, in new environment, had come to have a different meaning for Americans than for Englishmen. For the moment there seemed nothing to

[1] The local governments were not interfered with, the town, parish, and county remaining undisturbed.

prevent the trial of every theory, old or new, except the conflicting ideas of the men taking part in the work. The social-compact idea could now be tried; the objects and limitations of government could be stated in every form; the long-nurtured prejudice against the executive could be vented; the growth of a privileged class in America could be stopped, and the rights of the individual could be forever preserved in a bill of rights. Finally, the colonists' right of rebellion might be defended and condoned. Many of their ideals were to fail of attainment, but we must measure from the depths out of which they ascended rather than from the heights which they failed to reach.

The method by which these new governments were to be created was suggested by the dominant idea of the time. It was assumed by the constructive political leaders of that time that all men are created free to rule themselves, equal so far as any jurisdiction or authority to rule themselves is concerned. No man is born ruler and governor of others; hence the Fathers did not look about for a born ruler, but rather sought some fitter repository for sovereignty. Primitive men, their philosophers told them, tired of protecting and defending themselves against every danger, entered into a social compact, giving up certain rights in order to insure the protection of others. History had no account of this transaction, but there was no need to bother with proof; the present problem of supplying new

governments could be met with the simple axiom that "governments derive their just powers from the consent of the governed." That alone demonstrated to the patriot mind that the people should be the basis of all legitimate political authority. To form a new government, therefore, it was necessary that there be a social compact between all the citizens and each citizen, that certain laws for common good should govern all. It was obviously impossible for all the people of a province to come together for the purpose of forming this compact; wherefore, after leaving the work to their assemblies for a time, they gradually evolved the scheme of special constitutional conventions in which the representatives of the sovereign people could draught a compact which the people could then accept or refuse at their will.

Up to the day when independence was declared, three states—Massachusetts, New Hampshire, and South Carolina — had formed temporary governments, and Virginia had framed a constitution for a permanent one. On the very day that Lee's motion was adopted (July 2, 1776) New Jersey's provincial congress issued a constitution which was to be "firm and inviolable" if there should be no reconciliation with Great Britain, but "temporary and provisional" in case of such an event.[1] Thus far haste and confusion and unfavorable conditions had

[1] Texts of all the operative Revolutionary constitutions are in Poore, *Charters and Constitutions*.

prevented any state framing a government in the ideal way. The bodies which did the work were revolutionary and not specifically empowered to make a constitution. They not only made laws while framing the government, but they executed those laws, and their committees sat in judgment like a court.

It remained for the little state of Delaware to do the work in a more regular way. In July, 1776, the old assembly recommended that the people choose deputies who should meet at Newcastle, in August, to form a government "on the authority of the people."[1] In September the "representatives being chosen by the freemen of the said state for that express purpose" published the results of their work as binding on the people.[2]

Though all the remaining original states adopted constitutions during the progress of the war, none did so in the way now considered normal except Massachusetts. Her first draught (1779) was rejected by the people in their town-meetings,[3] partly because it was "a high-toned government" and did not secure equality of representation or contain a declaration of rights; partly because the work had been done by an assembly sitting as a convention. It is dangerous to have a government overthrown, or made, at the caprice of a small body of temporary

[1] Poore, *Charters and Constitutions*, I., 273.
[2] J. A. Jameson, *Constitutional Conventions*, 127.
[3] Bradford, *Hist. of Mass.*, II., 158 and App., 349.

representatives not elected for the purpose, and the people very sensibly refused to approve of such a precedent, though it had been permitted in the other states. Besides, as one town-meeting declared,[1] "it is no time when foes are in the midst of us and an army at our doors to consider how the country shall be governed, but rather to provide for its defence."

As a result of this failure the next attempt was made with the utmost care. The legislature of Massachusetts directed the selectmen of the several towns to learn from the qualified voters whether they desired that a constitution be made. Would they instruct their next year's representatives to vote for the calling of a convention for that purpose? The people assented to both propositions, and the next legislature provided for the election of delegates to a constitutional convention. The delegates were elected, and, when they met, John Adams, James Bowdoin, and Samuel Adams were designated to draught a constitution. After fully discussing the draught it was adopted with few changes and sent out to the people to consider in their town-meetings. They spent days discussing the new instrument, sentence by sentence, adjourning from day to day; assigning parts to select committees; showing independence of judgment, moderation, and practical good sense in the amendments which they suggested, nearly a thousand in

[1] J. Franklin Jameson, *Study of the Const. and Pol. Hist. of the States*, 24.

number. After the instrument had thus passed the scrutiny of the people the convention reassembled and declared "the constitution established by and for the inhabitants of Massachusetts." At last the democratic theory of the origin of government had been realized in practice.

In the making of these eleven new governments—for Connecticut and Rhode Island kept their colonial charters—our forefathers used, as we know, only the stuff that was at hand, the constitution of England, or what they thought it to be, and the existing constitutions of the colonies. Out of this material and the political philosophy of the past decade republics were to be created. If any elements were lacking they must be spun from the ingenious brains of men like Mason, Jefferson, Madison, Jay, or the "brace of Adamses."

In the preambles and bills of rights or in the body of the new instruments the colonial statesmen embodied the hopeful philosophy of the time. The long-pent-up theories of an ideal society and government—the ideas of right which had made them so touchy when the British government balked their wishes—all these were suddenly poured out in a flood of political maxims. The object of government, they declared, is to secure to the people under it their happy existence. It must furnish to individuals the power of enjoying in safety and tranquillity their natural rights and the blessings of life. The power is the people's. They are not to be con-

trolled except by laws to which they or their representatives have consented. The magistrates vested with legislative, executive, and judicial functions are trustees and servants, and accountable always.[1]

This delegation of power was a favorite theme. Not only were the people originally the source of power, but they must continue to be such. To this end government must be checked, be ever under suspicion, and limited in many ways. Its power to enforce law was restricted by prohibiting a standing army, which was declared dangerous in times of peace. The few powers that government had should be balanced and apportioned among the several branches that they might each restrain and correct the other. This was a lesson learned in their colonial days, and one of their political teachers, Montesquieu, had thought that the English government, which was the American model in many respects, was thus balanced. The legislative department, it was provided,[2] should never exercise executive or judicial powers, and likewise the executive none of the legislative or judicial functions, nor the judiciary the powers of the other branches—"to the end it may be a government of laws, and not of men." To this separation of powers the fathers added the safeguard of short terms of office. Officers should,

[1] *Va. Constitution*, Bill of Rights, § 2; *Mass. Constitution*, preamble and pt. i., art. v.; *N. H. Constitution*, § 12; "The People the Best Governors," *Am. Hist. Rev.*, I., 285.

[2] *Mass. Constitution*, pt. i., art. xxx.

from time to time, return among the people and feel again the people's burdens and wants. Election might return them to office, but their tenure should be brief, for "where annual elections end tyranny begins." Of all abominations hereditary office was declared the worst. To assure the people of an opportunity to influence their representatives, even after election, the right of petition and of assembling was guaranteed in Pennsylvania's constitution.[1]

In spite of much talk of the balance of power, however, the real power was placed with the legislature—"the best security of liberty"—"the foundation of all government." Years of quarrelling with royal governors had made them very jealous of the executive—of "one-man power." They did not distinguish between a governor, the creature of the king, and one of their own choice. As Jay said, "It takes time to make sovereigns out of subjects." Blind to the new conditions, they made the state executive a sorry figure. In eight states he was elected by the legislatures, and thus became their creature. Ten states limited his term of office to a year; in eleven states he had no veto. A number of states contrived a council of state to advise the governor. The legislature, as a rule, chose this council and the civil officers upon whom the governors must depend for administrative service. In Virginia, where Lord Dunmore was still fresh in mind, the governor could not adjourn or prorogue

[1] *Pa. Constitution*, arts. xv., xvi.

the legislature. An executive was, they believed, a necessary evil, a demon to be bound. The fathers feared, not incapacity or inefficiency, but the power to oppress, and they had not yet learned that a legislature may be the worst of all oppressors.

The chief interest of the patriot constitution-makers was in the negative side of government. The individual was set in opposition to the governing power. His natural rights must be protected against the government. The state, said the revolutionary theorists, did not, as was intimated in England's fundamental charters, give or yield rights to the individual, but by his own nature he had them. That was America's contribution to the theory of the state. The idea of the inherent and sacred rights of the individual had chiefly a religious significance in the Reformation era. Roger Williams had introduced the ripened idea into America, where it soon took on political significance.[1] Later, James Otis proclaimed its meaning for the colonies. Parliament might seize every American charter, still "the natural, inherent, and inseparable rights of the colonists, as men and as citizens, would remain."

The English "Bill of Rights" and the "Magna Charta" spoke only of an *inherited*, not an eternal, *natural* right.[2] Hamilton scorned mere inherited rights that must "be rummaged for among old parchments or musty records." The sacred rights of

[1] Richman, *Rhode Island*, passim.
[2] Stubbs, *Select Charters*, 296, 523.

mankind, he declared, were "written as with a sunbeam in the whole volume of human nature." John Adams found them "rooted in the constitution of the intellectual and moral world"—founded "in the frame of human nature." To protect these natural rights, the makers of the Virginia constitution made a list or a bill of them, which was draughted by George Mason and placed in the forefront of their frame of government. This was the first and most famous bill of rights, but, one by one, Pennsylvania, Maryland, and North Carolina adopted like bills in the year of independence. Vermont, Massachusetts, and New Hampshire followed, and other states, though they had no special bills, made like provisions in the body of their constitutions.

Virginia's bill, adopted June 12, 1776, contained much of the thought and phrase of the Declaration of Independence, which it antedated by more than a fortnight. Other bills added rights not in this prototype, but in the same spirit, proclaiming the current theories of government and giving in detail an assurance of all man's natural rights. Freedom of speech and of the press and of religious worship were guaranteed; the English common-law guarantees of personal liberty were placed in the fundamental law: "A freeman's remedy against a restraint of his liberty ought not to be denied or delayed." [1] The people's representatives alone should have the power to suspend the laws.

[1] *N. C. Constitution*, § 13.

Jury trial was guaranteed; the accused must be faced with his accusers, and he himself fully heard, but not compelled to witness against himself. Remembering some of their complaints against the British government, the fathers forbade general warrants where the offence was not particularly described and supported by evidence. Security from unreasonable search of persons and papers was pledged. Cruel and unusual punishments were prohibited, as were also retrospective laws. Especially in the matter of punishments the patriots showed a revulsion from the stern British code.[1] Excessive bail and fines were also declared wrong. Not forgetful of the chief cause of their war with England, they provided that no subsidy, tax, or impost should be laid without the consent of the people or their representatives. These rights were not, as in English charters, extorted from an unwilling king, but were withheld by the sovereign people from their agents of government.

In their jealousy of any power but that of the common people, the constitution-makers spoke their dislike of privilege and hereditary rank. Ten years of discussion of the rights of man and the equality of men—theories intended by the leaders to apply only to the controversy with England—had not been lost on the masses of the people. Conservative traditions were struck down. In the middle colonies and South Carolina the democracy

[1] Poore, *Charters and Constitutions*, II., 1627.

fought not only for independence, but for their own rights as against the aristocracy.[1]

The Americans were starting out—first among the peoples of the earth—without a privileged class, and they meant to forestall the establishment of one. "No man or set of men," they declared,[2] "are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services," and office should not be hereditary. Government was instituted for the common benefit, not for the benefit of any single man, family, or set of men. Four states declared in their constitutions against the entailment of estates, that chief support of hereditary aristocracy.[3] In Virginia, where there existed the only aristocracy America has known, the subject was omitted in the constitution, but the chief prop was withdrawn in October, 1776, by a statute which did away with the whole system of entail.[4] This system, which protected estates even against the extravagance of spendthrift owners, went down before the audacious reformer Jefferson.[5] Primogeniture followed. To the plea that the elder son might at least have a double share, Jefferson replied, "Not until he can eat a double allowance of food and do a double allowance of work." For this aristocracy of wealth and social inheritance the great democrat hoped to substitute an "ar-

[1] Schafer, Am. Hist. Assoc., *Report*, 1900, I., 357–370.
[2] *Va.* and *N. C. Constitutions.* [3] Ga., N. C., S. C., and Pa.
[4] Hening, *Statutes*, IX., 226. [5] Morse, *Thomas Jefferson*, 39.

istocracy of virtue and talent, which nature wisely provided for the direction of the interests of society."

Finally, in defence of their own rebellion against the king, the patriots declared in their bills of rights that the doctrine of non-resistance to arbitrary power and oppression was absurd and slavish. Even after the citizen had made a contract with the other citizens to surrender part of his rights, if he did not receive an equivalent, the surrender was void.[1] The revolutionary philosophy had long ago disposed of the men to whom the powers of government were delegated. The president of Harvard College had declared that if magistrates forget their duty "reason and justice require that they should be discarded"; and a leading Boston patriot had gone so far as to assert that "the reluctant poignard of a Brutus, the crimsoned axe of a Cromwell, or the reeking dagger of a Ravaillac" is preferable to a degrading servitude.

The overthrow of the ancient system of government seemed complete, and the men who had led the reform movements exchanged congratulations. "The people," Jefferson wrote to Franklin, "seem to have laid aside the monarchical and taken up the republican government with as much ease as

[1] *N. H. Constitution*, art. iii. There is little doubt that many of the makers of the federal constitution believed fully in this doctrine, though they did not embody the idea in the instrument. Its logical consequence is the right of secession—if the person or state has the power.

would have attended their throwing off an old garment and putting on a new suit of clothes." Yet, with all they had accomplished, they had not so fully donned the new garment of democracy as they thought. Over half a century elapsed before democracy was fully clothed with its own raiment. Notwithstanding some relaxations of the suffrage, clearly due to the influence of revolutionary ideas, the new governments, as the old, derived their "just powers" from the consent of the property-owners and the tax-payers, not the plain people. Virginia considered herself very liberal in giving the right of suffrage to all men having "sufficient evidence of permanent, common interest with, and attachment to, the community." Massachusetts took pride in having granted to "those having the qualifications" equal rights to elect officers and to be elected. Manhood suffrage existed only in Vermont, but she was not yet recognized in the sisterhood of states.[1] The renters of houses, the owners of a certain number of acres, those taxed for property or enjoying certain incomes were in general the qualified voters.

The privilege of holding office was also denied the poor. Besides a belief in certain creeds and doctrines, a candidate must have certain property qualifications, which increased the dignity of the office.[2]

[1] Poore, *Charters, etc.*, 1909, 958, 962, 1861.

[2] See chart in Miller's *Qualifications*, Am. Hist. Assoc., *Report*, 1899, I., 106.

There was not even proportional representation in the legislature. A county or city or town was represented on the basis of its tax-payers or freeholders, not on the basis of the number of human heads it contained. In three states the senate contained an equal number of representatives from each county, regardless of their proportional taxes and population. There was left, in a word, for future generations the work of putting in many of the details of democracy, not all of which are attained to this day.

To understand these many apparent inconsistencies, we must remember the conditions under which the real leaders of reform constantly worked. John Jay drew the picture graphically in a letter to Rutledge. "We have a government, you know, to form, and God only knows what it will resemble. Our politicians, like some guests at a feast, are perplexed and undetermined which dish to prefer."[1] The statesmen with broad views were obliged to get the consent of stubborn, narrow-minded, bigoted men to every clause of the constitutions which they draughted. Political tricksters, in the hope of personal gain, delayed and aggravated them. Wild, impractical theorists annoyed and hindered them with impossible schemes. Timid conservatives had to be won over, and there were unyielding ones with whom they must compromise. After all this was done the result was not what they wished, but it was

[1] Jay, *Correspondence and Pub. Papers*, I., 68.

the compromise with which the true statesman is content.

By the spring of 1777 every state had established a fully equipped government, either permanent or temporary. Georgia and New York were the last to set up for themselves, though Massachusetts did not get a frame of government until 1780; while South Carolina and New Hampshire, in 1778 and 1783, remade their hastily constructed first constitutions.

One of the first steps taken by the new governments was to require from the people an assurance of their allegiance. The founders of the new states felt justified in this demand, because, as they reasoned, the political struggle was over, the Whigs were triumphant, and the new state created by them had the sovereign right to take the measures necessary for its preservation. Every one had had time to determine whether he preferred American or British citizenship.

In all states, ran the preambles of the test laws, protection and allegiance are and ought to be reciprocal, and those who will not bear the latter are not entitled to the benefits of the former. Test laws were necessary, too, as a war measure.[1] Men could not be sheltered under a government which they were trying to subvert. There was reason to suspect, the Whigs asserted, that the affected neutrality of

[1] Analysis of preambles of the "Test Laws," in Van Tyne, *Loyalists*, 318–326.

some had been dictated by a poverty of spirit and an undue attachment to property. The internal enemy in the guise of a neutral was felt to be quite as dangerous as an out-and-out traitor.

Against all this argument the loyal or would-be neutral inhabitants made a strong appeal. "Had you," they protested, "at the beginning of the war, permitted every one differing in sentiment from you to take the other side, or at least to have removed out of the state with their property, . . . it would have been a conduct magnanimous and just.[1] But now, after restraining those persons from removing; punishing them if in the attempt they were apprehended; selling their estates if they escaped; compelling them to the duties of subjects under heavy penalties; deriving aid from them in the prosecution of the war"—then to compel them to take an oath was an outrage. Even the expediency of an oath was doubtful. It might actually injure the Whig cause, because it is sometimes dangerous to probe a wound too deeply. Men who would do no harm if undisturbed would become implacable enemies if brought to bay by such a measure.

The Whigs, however, were not daunted by argument. They passed test laws in every state, and made them strong. The juror must declare before the Everliving God and the world that the war of the colonies against Great Britain was just and neces-

[1] *Life of Peter Van Schaack*, 112 et seq.

sary.[1] He promised not to aid the British forces, and pledged himself to betray all plots against his state. All allegiance and obedience to George III. was renounced and transferred to the state in which the juror resided. This oath was especially required of former agents of the British government who were now retained in the service of the new states. They were, in fact, the first to be asked for an oath, though soon all new officers, lawyers practising in the courts, professional men of all classes, and finally all male citizens of age were offered the test. The oath was regarded as such valuable evidence of faithful citizenship that refugees, signers of loyal addresses, and suspected persons in general were often debarred from signing, though a conciliatory policy as a rule prevailed. Exemption was granted only to soldiers, military officers, and delegates in Congress, who were risking too much in the cause to be doubted. Quakers, Mennonites, and Dunkers escaped because of their religious scruples.

There was no avoiding the disagreeable duty. The law was read in every town-meeting, from the pulpit, and from the steps of the court-house; it was announced in the newspapers and at the muster of the militia. The justice of the peace usually administered it, giving a certificate after the oath was signed, and in some cases getting a fee which made the compulsory oath in no wise pleasanter. It was

[1] *Laws of Pennsylvania*, June 13, 1777; *Public Records of Conn.*, I., 4.

like a passport, however, and without it no man dared stir abroad. Members of the legislature were ever on the watch for non-jurors, as were village selectmen, committeemen, and military officers, who might at any time cast a negligent non-juror into jail, where he paid his own expenses, and his chance of getting a proper trial was poor. Indeed, the fact of not holding a certificate was equivalent to a conviction, and the penalties were meted out forthwith.[1]

Political, civil, and legal disabilities were the least of consequences, for unless one could secure heavily bonded sureties one might be disarmed, imprisoned, specially taxed, or even suffer confiscation of property. The oath might not be escaped even then, for overzealous agents of committees and rough bands of militia often compelled men, as they expressed it, to "swallow the oath." Impelled by spite or tempted by the bounty which the law awarded through the fee, the justices hunted, coaxed, and threatened, and almost herded their victims. Many signed rather than suffer persecution, but thousands were thus compelled to fly to the British lines.

Although many escaped taking the oath altogether upon one excuse or another, yet, in a measure, the early test acts cleared the decks of the thirteen new ships of state and left them free for action. The enemies of the new governments and

[1] Van Tyne, *Loyalists*, 318, App. B.

the half-hearted supporters became better known, though many, like the "vicar of Bray," recklessly swore allegiance to the party whose fortunes for the moment were uppermost. At least the new governments were making themselves felt among the people, and the very exercise of power tended to strengthen them.

CHAPTER X

CAMPAIGNS OF BURGOYNE AND HOWE (1777)

IN the spring of 1777 the British government renewed the plan of campaign which had been partly executed in the preceding year. The city of New York was now in British hands, and Washington at Morristown with his remnant of an army was not a serious menace to its possession. At the north, though Carleton, in 1776, had failed to seize Ticonderoga, yet he had driven an entering wedge which would greatly aid an army starting south from that point. Lord George Germaine and General Burgoyne,[1] taking this view of the field, and knowing that the valleys of the Mohawk and the Hudson, which were then the only inhabited parts of New York, were filled with Tories, determined to send three armies along these seeming paths of least resistance, severing the American confederacy at the Hudson, and ending the war by subduing rebellious New England, after it was thus isolated.

General Burgoyne himself was to lead an army down from Canada, taking Ticonderoga, and thence

[1] Burgoyne's letter, in *Gentleman's Magazine*, 1778, p. 156.

advancing down the line of the Hudson to Albany. Colonel St. Leger was to take a smaller force to Oswego on Lake Ontario, and thence advance upon Fort Stanwix on the upper waters of the Mohawk, taking that with the aid of Tories and Indians, and coming down the Mohawk to meet Burgoyne at Albany. Sir William Howe, meanwhile, was to ascend the Hudson from the city of New York, forcing with the main army the passes of the highlands and joining the other two armies at Albany.[1] The success of the campaign, it will be seen, depended upon perfect co-operation. St. Leger's movement might fail with no fatal consequences, except to his own army, but Burgoyne's and Howe's armies must support each other faithfully, if they were to prevent the danger of being overwhelmed in detail by the Americans operating from the centre of the converging lines of British attack.

It is easy to criticise the plan when we know the outcome. The dangers proved manifold. Burgoyne's army and that of St. Leger had to move through a wilderness almost trackless, which made it impossible to tell how far they could march in a given time. Again, the ministry had forgotten that Burgoyne's proposed route, though it was through country which was loyal enough, was flanked by New England territory the hostility of which was unquestioned. The situation gave the eastern militia precisely the work that they could do best:

[1] Fortescue, *History of the British Army*, III., 204–207.

thousands of sturdy farmers who would not join the regular army were ready enough to shoulder a musket for a few weeks and fight the invader. The greatest of all the errors, however, was the attempt to direct the campaign from London instead of leaving the generals in the field the freedom of choice at a critical moment. How fatal this interference was the story will show.

About June 1, 1777, Burgoyne set out with a superb army of nearly eight thousand men—including about four thousand British regulars, three thousand German troops, and about six hundred and fifty Canadian militia and Indians. By July 1 he appeared before Ticonderoga, where St. Clair, with three thousand men, awaited his attack. Though the fort, properly manned, was strong otherwise, it was commanded by the summit of a crag hardly a mile distant.[1] General Gates, who was in command during the preceding year and up to within three weeks of Burgoyne's attack, had refused to fortify this point, and St. Clair had delayed until too late. The British dragged cannon to the summit and the Americans were plainly trapped unless they at once abandoned the fort.[2] Saving what stores they could they fled in the night, and, though pursued and harassed, they joined General Schuyler, who at Fort Edward was in command of the main northern army.

[1] *St. Clair Papers*, I., 76; Tuckerman, *Schuyler*, 193, 194.
[2] Stevens, *Facsimiles*, No. 1571.

So general was the misconception of the importance of Ticonderoga, which had lost much of its value since the capture of New York, that all America was alarmed at its loss. John Adams talked wildly of shooting a general,[1] and though in the following year St. Clair's flight was vindicated by a court-martial,[2] yet Gates, the real culprit, was from now on talked of as the successor of Schuyler, who in some way was blamed for Ticonderoga's loss. To understand this unjust distribution of censure and reward requires a brief survey of American political and military affairs.

The spring of 1777 found the relations between the several states less unified than in the preceding year. Jealousy between the states was so bitter that when Congress was called upon in February to appoint five new major-generals[3] they could not make appointments according to merit, but were obliged to divide the prizes between the several states. In consequence of this jealousy Benedict Arnold's desperate march through the Maine woods, his unsuccessful but heroic attack upon Quebec, and his defence of Lake Champlain could not be rewarded because his state already had more than her share of major-generals.[4]

A still less creditable reason for this neglect of

[1] John Adams, *Familiar Letters*, 292.
[2] *St. Clair Papers*, I., 95.
[3] *Journals of Congress*, February 19, 1777.
[4] Washington, *Writings* (Ford's ed.), V., 304.

Arnold was his friendship for General Schuyler, a man of noble and upright character, who belonged to one of New York's finest families, and who had from the first ably commanded the northern department of the army. Schuyler was hated by New England because he actively defended New York's claims to Vermont,[1] and this hostility of the New England men was ably seconded by General Gates, who hoped for Schuyler's place should he lose it. Gates had gained some unearned credit when Carleton failed to attack Ticonderoga in the fall of 1776, and he now vociferously took New England's view in the Vermont dispute, thus rising greatly in the opinion of the two powerful Adamses. Still another fact aided the designing Gates. Out of the ill-fated Canadian campaign grew foolish charges against Schuyler and Arnold, and though both stood an investigation and proved the charges to be unjust,[2] yet there was left a cloud of prejudice and misunderstanding which, later, cost Schuyler his place and subjected Arnold to a series of slights and insults which finally undermined his patriotism.

For the present, Arnold yielded to Washington's entreaty, and promised to serve with his old rank. Almost at once he became the hero of a brilliant exploit near his home at New Haven where he was visiting.[3] Tryon with two thousand British troops

[1] Tuckerman, *Schuyler*, 223–227.
[2] *Journals of Congress*, July 30, 1776.
[3] Arnold, *Arnold*, 130.

destroyed the patriot stores at Danbury and fired the town. The local militia resisted, and Arnold with six hundred men engaged the British force at Ridgefield (April 27, 1777), defeating them and barely allowing the remnant to reach the sea and escape. The soldiers declared that Arnold "fought like Julius Cæsar"; and Congress now made him major-general, without, however, restoring his relative rank.[1]

The British attacks on Danbury were part of the preliminary work of Howe in preparation for his advance up the Hudson. Washington had collected his stores at Danbury and Peekskill ready for his campaign to prevent Howe's ascent of the river. The British general was not intending that movement at once, however, for he had determined on an attack upon Philadelphia, a design of his own, which was approved and urged upon him by General Lee, who was still a prisoner in New York, and whose fears for his own safety had led him to court British favor by treason against the American cause.[2]

As Howe was about to set out upon this expedition, which the ministry had quite approved, he received (June 5) a copy of the plan of the northern campaign, but no word of instruction for himself. Still following his own plan, however, he prepared to embark his army and to reach Philadelphia by sea. Washington, expecting Howe to go by land, moved

[1] *Journals of Congress*, May 2, 1777.
[2] Moore, *Treason of Chas. Lee*, 84–93.

down from Morristown to Middlebrook, in the hope of preventing the passage of the British army.[1] Howe saw his aggressive attitude, and with the idea of tempting him to a general engagement delayed and manœuvred for three weeks. After this serious loss of time he embarked, early in July, some fourteen thousand men with whom to capture Philadelphia. Still he delayed until good news came from Burgoyne; then, after losing a week by foul winds, he got his fleet under way, July 23, just as Burgoyne in the north was pushing his way through the tangled forests from Ticonderoga to Fort Edward, and when Howe should have been going up the Hudson to meet him at Albany.

Washington, who knew of Burgoyne's advance from the north, thought that, unless his movement was a mere feint, Howe must be about to move up the Hudson to his support.[2] When, therefore, the news came (July 31) that Howe was off Delaware Bay, Washington was greatly puzzled; nor was the mystery cleared up then, for the naval officers who were with Howe gave him such weighty reasons for not disembarking in the Delaware[3] that he yielded, and lost twenty-four precious days more, sailing around to Chesapeake Bay and up to Elkton, where the troops were landed on August 25, just thirteen miles from the point where they might have landed

[1] Washington, *Writings* (Ford's ed.), V., 444, 450.
[2] *Ibid.*, VI., 1, 2.
[3] Fortescue, *History of the British Army*, III., 212.

nearly a month earlier.[1] Here Howe received a note from Germaine, hoping that he might finish this campaign in time to return to the aid of the northern army. That was now almost impossible, as Washington clearly saw, and he wrote, exultingly, now let all New England "turn out and entirely crush Genl Burgoyne." [2]

Already, in fact, Burgoyne had met such an accumulation of difficulties and disasters that relief must be speedy if it would save him. As his army drew near Fort Edward, General Schuyler sensibly withdrew to the south as far as Stillwater.[3] Inadequate transportation facilities delayed the British, while their troubles increased daily.[4] The New England farmers were maddened by the murder of a young woman named Jane McCrea, an atrocious act done by some of Burgoyne's Indian allies.[5] No one was more greatly shocked than Burgoyne himself, and his stringent orders against pillage and murder caused many of the Indians to leave his camp in a rage.

His failing supplies were, however, a more serious matter. The patriot committees throughout the region had compelled every one to remove cattle and stores from the path of the British army. There seemed nothing to do but to make an attempt to

[1] *Kemble Papers*, I., 476.
[2] Washington, *Writings* (Ford's ed.), VI., 49, *n.*
[3] Thacher, *Military Journal*, 91.
[4] Stevens, *Facsimiles*, 1665.
[5] Thacher, *Military Journal*, 95.

seize the American stores at Bennington.[1] A motley force of Germans, British, Canadians, and Indians, under Colonel Baum, was sent to unite in this attack with the many loyalists who swarmed in the country, longing, as Burgoyne was assured, to take up arms for the king. To repel this attack, John Stark, acting under the sovereignty of New Hampshire,[2] and on his own responsibility, raised eight hundred men and marched to meet the invader.

When Stark met the British force (August 15, 1777) Baum quickly chose a strong position and threw up intrenchments.[3] It was raining torrents and the attack was delayed a day, Stark promising his men that when the Lord sent sunshine they should have fighting enough. On the morrow, August 16, the backwoodsmen's craft was shown in surrounding their unsuspecting victims, and the British forces were thrown into a panic by an encircling fire which compelled them to surrender within two hours. The tables were then nearly turned by the appearance of a relief party of five hundred Germans, but American reinforcements under Seth Warner saved the day, and the fresh British detachment was also defeated.[4] The evil of this disaster to Burgoyne was not alone in the loss of men, but in the idea that was born in the

[1] Burgoyne's orders, in *Clinton Papers*, II., 242.

[2] *St. Clair Papers*, I., 84, *n.*; Vermont Hist. Soc., *Collections*, I., 204, 206.

[3] *Ibid.*, 218.

[4] Thacher, *Military Journal*, 93; Vermont Hist. Soc., *Collections*, I., 207, 223, 225.

minds of New England farmers that Burgoyne's whole army might be taken. The eager New England yeomanry began to pour in and to swell the patriot ranks,[1] while Burgoyne's hopes for aid from St. Leger's force were dashed by the ill reports that came daily into his camp.

St. Leger had landed at Oswego about the middle of July.[2] He was there joined by Sir John Johnson and Colonel John Butler with their Tory followers. The Indians of western New York were divided in sympathy, but the Mohawks, under Joseph Brant, and part of the Iroquois, Cayugas, and Senecas joined St. Leger. With this ill-assorted force he advanced until, August 3, he appeared before Fort Stanwix. The German settlers in that neighborhood, led by General Herkimer, came to the rescue of the fort,[3] and scouts from their force arranged for a combined attack on the invader—a sortie from the fort and an attack upon St. Leger's rear.

The co-operation was not perfect, and, Herkimer's approach becoming known, Johnson's Tories and Brant's Mohawks prepared an ambuscade in a ravine near Oriskany through which the patriot force must pass. The Americans entered and were partly surrounded, but they fought with such desperate valor that after a struggle with knife, hatchet, and bayonet, unrivalled in its savage horror, the

[1] Baroness Riedesel, *Letters and Journals*, 98.

[2] See St. Leger's account, in *Gentleman's Magazine*, 1778, p. 117.

[3] *Clinton Papers*, II., 164.

Indians fled and the Tories retreated.[1] Herkimer's force was too weak to advance, but the sortie from the fort was a success, and Johnson's Tories were driven across the Mohawk. Though St. Leger's force still threatened, yet his prestige had suffered and his Indian allies grew so refractory as to be a source of embarrassment.

While St. Leger continued his siege of Fort Stanwix a patriot force of one thousand two hundred men was coming up the Mohawk under Benedict Arnold, who had been sent north by Washington, and who arrived in Schuyler's camp just in time to command this relief expedition.[2] When within twenty miles of Fort Stanwix, and fearful lest he should arrive too late, Arnold sent ahead a half-witted Tory, who for his services escaped the death of a spy, and who rushed into St. Leger's camp with the report that Burgoyne was defeated and that an overwhelming force was coming to the relief of the fort.[3] The disheartened Indians now refused to obey commands, stole the camp liquors, and rioted all night through the camp, assaulting the soldiers, and creating such a panic among the Tories that on the following day the whole army dispersed and fled, leaving the camp and stores in the patriot possession. A mere handful of St. Leger's troops reached Oswego and returned with him to Montreal.

[1] Roberts, *Battle of Oriskany.*
[2] Arnold, *Arnold*, 154; *Clinton Papers*, II., 255.
[3] Stone, *Campaign of Burgoyne*, 213.

Thus one of the armies that was to divert the attention of Burgoyne's enemies was now a wreck, and instead of aid more enemies were coming. Arnold was hurrying back, and Morgan with five hundred riflemen was on his way to the northern army. More threatening still, as Burgoyne wrote,[1] "Wherever the king's forces point, militia to the number of three or four thousand assemble in a few hours."

The force left in Ticonderoga and his later losses reduced Burgoyne's army to about five thousand men. He would have fallen back to Fort Edward, where he could safely remain awaiting a change of the situation in his front, but his instructions were imperative. He must go straight on to Albany in order to make the junction with Howe. Now appeared the wretched folly of directing a campaign at a distance of three thousand miles from the scene of action. It left time and space to fight on the side of the Americans. Howe had no imperative orders, and although we now know that a despatch was draughted giving Howe positive orders to go up the Hudson, yet Germaine, finding it unready for signature, went off to the country, leaving it unsigned, and the paper that might have saved an army never left its pigeon-hole.

At a time when Burgoyne was sorely in need of Howe's army to divert some of the enemies who were gathering about him, the latter was making his way towards the "rebel capital" at Philadelphia. The

[1] Vermont Hist. Soc., *Collections*, I., 227.

presence of the Continental Congress in that city had deluded Howe into the belief that there was the centre of the administrative machinery of the country. He did not realize that Congress needed only a wagon and a few carriages to transport itself and its valuable papers to a new seat of government in any convenient town.

After landing at Elkton the British army advanced through a region not hostile, but also not friendly enough to give much aid. There was no uprising of the local militia such as had proved so disastrous to Burgoyne in the north. At Brandywine Creek, a few miles above Wilmington, Washington waited to dispute this advance. The passage of Chadd's Ford, on the Brandywine, while the American army eleven thousand strong was stationed behind it,[1] was no easy task; but the well-disciplined British troops made it possible for Howe to execute a dangerous flank movement which, on September 11, routed one division of the American army, and compelled the main army to retreat in a confused but not demoralized condition.[2]

Even after losing the battle of the Brandywine, Washington was still strong enough to delay Howe two weeks in his march on Philadelphia. Meantime, many of the inhabitants of the city fled, while Congress hurriedly clothed Washington with the

[1] Fortescue says twelve thousand, *British Army*, 213.
[2] Washington, *Writings* (Sparks's ed.), V., 56–59

powers of a dictator,[1] and got themselves out of harm's way. On September 25 the British army took possession of the city.

In order to hold Philadelphia through the winter, Howe must control the Delaware. Besides the obstruction that had been placed in the river, there were two forts and a redoubt still held by the patriot soldiers. Part of Howe's forces was sent to reduce these, and three thousand men were detached to escort the supplies sent overland from the Chesapeake. There were now less than nine thousand men in Howe's main army, and Washington resolved to make one last, desperate effort to defeat the main body encamped at Germantown. Washington's attack was skilfully planned,[2] and nothing but a dense fog which enveloped all the forces engaged seems to have prevented a victory. In the confusion a brigade led by Sullivan, which was briskly engaged by the enemy in front, was attacked in the rear by a part of Greene's brigade, and a panic naturally ensued. This misfortune threw into confusion the whole plan, which was, perhaps, too intricate to be successfully carried out by half-trained troops led by inexperienced officers.

The battle of Germantown, as this was called, was fought October 4; and for six weeks longer Howe was kept busy getting the control of the Delaware, which was absolutely necessary if he was

[1] *Journals of Congress*, August 22, 1777.
[2] See "Plan," in *Pa. Magazine*, XXVI., 387.

to spend the winter in Philadelphia.[1] Long before he was free to go north Burgoyne was hopelessly entangled, and when Howe went into winter-quarters at Philadelphia, and Washington encamped at Valley Forge, the northern army had met its fate.

Just after the battle of Bennington, and just before Burgoyne got the news of St. Leger's failure, the command of the American army of the north was transferred. Schuyler's enemies had so worked upon Congress that at a time when his laurels were almost gathered they were snatched away and given to Gates. Congress acted August 4,[2] but Gates took command only after the middle of the month. For three weeks thereafter the two armies confronted each other on opposite banks of the Hudson. Then, while the Green Mountain militia hung "like a gathering storm" upon Burgoyne's left,[3] and retreat seemed wise, the British leader determined not to abandon Howe, who was then supposed to be coming up the Hudson. September 13, therefore, the whole British army crossed to the west bank of the river.[4] Retreat was now impossible. The expedition which had been intended, as its leader conceived, to be "hazarded," was now to be "devoted"—sacrificed,[5] that a soldier might obey orders which were issued months before and

[1] See "Defences of Philadelphia," in *Pa. Mag.*, XVIII., XIX.
[2] *Journals of Congress*, August 2–4, 1777.
[3] Burgoyne, *State of the Expedition*, Apps. xxiv., xxv.
[4] *Clinton Papers*, II., 431; Hadden, *Journal*, 144.
[5] *Annual Register*, 1777, XX., 164.

at a distance of three thousand miles from the scene of action.

To prevent the British advance down the river, the American army had taken a fortified position on Bemis Heights, which commanded the Hudson and the roads leading to the south. Burgoyne hoped to carry this position by an attack on the American left.[1] As far as the timid Gates was concerned, success might have crowned the effort, but Arnold ruined the British plan by anticipating the attack. With a command of three thousand men he engaged a large part of Burgoyne's army while Gates held eleven thousand men idle on the heights.[2] The British held the field, but abandoned their previous plan and delayed further assault for eighteen days. One reason for waiting was that Clinton was reported coming up the Hudson from New York;[3] but while Burgoyne waited his supplies diminished and his line of communication was cut by a New England force under General Lincoln.

The American army constantly grew until more than sixteen thousand men confronted Burgoyne's five thousand.[4] In desperation the British commander made another effort, October 7, to turn the American's left. Again it was Arnold who saw the opportunity for a crushing blow. Despite the fact that since the last engagement he had prac-

[1] Riedesel, *Letters and Journals*, 99.
[2] Arnold, *Arnold*, 178–186.
[3] *Clinton Papers*, II., 433. [4] *Ibid.*, 456.

tically been deprived of his command by Gates, he rode into the midst of the battle and led the delighted soldiers in one charge after another until the field was won and Burgoyne retreated up the river to Saratoga, abandoning his sick and wounded.[1]

The Americans had already made the recrossing of the Hudson impossible, and their overwhelming numbers enabled them so to surround and harass the British army that its position became intolerable. Desertion began, the Germans coming over "in shoals," as Gates wrote.[2] Burgoyne had no news of Clinton, who was in fact coming rapidly up the Hudson, quite outwitting Putnam. After taking two forts in the highlands he wrote Burgoyne, October 8, that there was nothing between him and Gates.[3] This cheering news never reached Burgoyne, who at last wearied of waiting, and on October 14 asked Gates for terms of surrender. Three days of negotiations resulted in the "convention" of Saratoga, as the surrender was called.[4]

By this agreement the British army was to march out with the honors of war, stack their arms, and go under guard to Boston, thence taking ship to England, after promising to serve no more in the American war. There was no attempt to humiliate the British troops as they laid down their arms, and

[1] *Clinton Papers*, II., 384; Riedesel, *Letters*, 102, 103.
[2] Continental Congress, *Papers* (MSS.), No. 154, I., 274.
[3] Lossing, *Schuyler*, II., 359, 360.
[4] *Clinton Papers*, II., 439–448.

every courtesy was shown them by the rank and file as well as by the officers of the American army. Congress, however, wrangled with Burgoyne over the carrying out of the terms of the convention,[1] and ended by disgracefully breaking the public faith and never permitting the return of the British troops. Some of them escaped, while many were assimilated among the American people.

The result in America of Burgoyne's surrender was, as a contemporary wrote, that "Rebellion, which a twelvemonth ago was really a contemptible pygmy, is now in appearance become a giant more dreadful to the minds of men than Polyphemus of old or the sons of Anak." [2] The ultimate effect, however, was to set free forces that created changes of world-wide extent, bringing into the struggle first France and then other European countries, until the embattled nations confronted England and compelled her to yield. Before entering upon the history of this vast conflict we must turn to the political events that had been passing while Burgoyne was losing an army and Howe was paying dearly for the possession of the "rebel capital."

[1] *Clinton Papers*, II., 660–665.
[2] *Magazine of Am. Hist.*, VI., 57.

CHAPTER XI

STATE SOVEREIGNTY AND CONFEDERATION (1775–1777)

DURING the eventful years of 1776 and 1777, while the thirteen republics of America were making new frames of government for themselves, they realized the necessity of some sort of a permanent league which would give them strength to stand firm among the states of the world. As separate communities they were weak; but union of some sort would give them power. For the immediate purposes of united action against Great Britain they had a necessary organ in the Continental Congress, but that it was anything more than an interstate committee of safety few contemporaries seem to have believed. People do not appear to have thought that in creating the Congress they had given it sovereign powers, or that the states had thereby lost their individual existence,[1] or even entered a permanent league. The preponderance of evidence seems to show that the "creating cause of a state," a

[1] Jefferson, *Papers* (Randolph's ed.), I., 27; Jefferson, *Writings* (Washington's ed.), I., 13.

"General Will" demanding political unity, did not exist. For temporary purposes the people's conventions permitted Congress to use just so many of the powers of the particular states as were absolutely necessary for effective common defence, though the states continued to wield the same powers of establishing armies, navies, and foreign relations themselves. They used the Congress as a means of uniting their forces, but were no more willing to be ruled by King Congress than by King George. They recognized it merely as the supreme "superintending power."[1] The states were for the moment seeking an individual independence, not an independent union with a central government over all.

The spirit of American nationality did not spring into full life with the calling of the first Continental Congress or with the Declaration of Independence; it was not created by *fiat*, but in the course of nature the great nation of to-day slowly evolved from the mere protoplasm of the revolutionary time. Aside from a common interest in America's liberty and independence, the first sign of its life was the desire of the American leaders to form that league of their individual states which the logic of the situation demanded, and which would make them respected by other nations. "The confederacy," said Adams, "is to make us one individual only, it is to form us, like separate parcels

[1] *R. I. Col. Records*, VII., 448, 449.

of metal, into one common mass."[1] That was what he expected of it, but until the articles were drawn and approved, he admitted that the colonies were independent individuals. When their bargain was made they ought to be a single individual.

Long after the time of the American Revolution, when the question of state sovereignty became a matter of bitter controversy, there developed a philosophical theory that the very act of breaking the bonds which united the thirteen colonies with Great Britain threw down the barrier between them and left them as one nation which vested its sovereignty in Congress.[2] In a metaphysical sense that may be true, but so far as objective institutions were concerned there were, at least until the Articles of Confederation were adopted, thirteen independent and sovereign states which banded themselves together to fight a common enemy. The men of that age were not aware of any metaphysical union of their thirteen sovereign states. In the thoughts that they expressed some showed a desire for a single state,[3] but few thought that such a thing existed. It seems certain that at no time during the Revolution was there a stronger desire

[1] Jefferson, *Papers* (Randolph's ed.), I., 27, July 30–August 1, 1776.

[2] Von Holst, *Constitutional Hist. of the U. S.*, I., 8; Jackson's message of December 10, 1833, in Richardson, *Messages of the Presidents;* Burgess, *Pol. Science and Const. Law*, I., 100. Story, Lieber, and Pomeroy take the same view.

[3] Jefferson, *Papers* (Randolph's ed.), I., 26–28.

for national unity than for the continued sovereignty of the several states.

When, in the first Continental Congress, Patrick Henry asked, rhetorically, "Where are your landmarks, your boundaries?" and declared that "the distinctions between Virginians, Pennsylvanians, New-Yorkers, and New-Englanders, are no more,"[1] men shrugged their shoulders, and the representatives of every colony declared against his views. When he struck his breast and proclaimed, "I am not a Virginian; but an American." . . . "All distinctions are thrown down. All America is thrown into one mass," he was bluntly answered. "A little colony has its all at stake as well as a great one,"[2] or, in other words, "our identity is a precious thing; we do not propose to be swallowed up." Each state needed the aid of every other in the desperate struggle for independence, but few men thought that to attain this aid the states had lost their individuality in Congress. Some even expected to dispense with that organ of united action as soon as the stress of war was over. North Carolina and Pennsylvania expressed that idea in their new constitutions, where they provided for sending delegates to the Continental Congress "*as long as* such representation shall be necessary."[3]

The states were constantly asserting or exercising

[1] John Adams, *Works*, II., 367. [2] *Ibid.*, 366, 368.
[3] *Pa. Constitution of 1777*, § 11; *N. C. Constitution of 1776*, § 37, in Poore, *Charters and Constitutions*.

their sovereignty. Connecticut, in an act adopting her old charter as a constitution, stated, "This republic is, and shall forever be and remain, a free, sovereign, and independent state—." South Carolina, in two constitutions adopted during the war,[1] provided her government with those peculiar features of sovereignty, the right of making war and entering into treaties. Virginia ratified the treaty with France,[2] and she, as well as other states, sent her own agents to Europe to contract a loan, and get arms and ships.[3] Virginia even negotiated with Spain for the purpose of establishing a fort on Virginia's western border to protect the trading interests of the two sovereign states.[4] Not only did the state governments claim sovereignty over their citizens, but whenever the people of a particular state were brought to the dilemma of choosing obedience to Congress or the local state governments, the latter were found to be sovereign.[5]

The people of the states seem, indeed, to have formally vested sovereignty in their state governments. Acting in accordance with the compact theory, in which the leaders of that age believed, the people of the states had surrendered part of their rights to the governments created by the con-

[1] *Constitution of 1776*, § 26; *Constitution of 1778*, § 33.
[2] Doniol, *Participation*, IV., 155.
[3] Hunt, *Madison*, 30; Wharton, *Dip. Corresp.*, III., 240; Sparks, *Dip. Corresp.*, II., 203, III., 91.
[4] *Clark MSS.*, in Wis. Hist. Soc. Library, LVIII., 103.
[5] *Proc. of Md. Convention*, 141–142, 150.

stitutions which the people's representatives had made. The remaining rights were reserved to the people, no part of them being permanently given to the Continental Congress, which for a time was hardly more than a meeting of the agents appointed by the state governments to make the action of the thirteen states uniform.[1] That the state governments, and not the people of the states, sent their agents to Congress was emphasized by the fact that in all of the states except New Hampshire and Georgia the delegates to the Continental Congress, after the making of the new state constitutions, were elected by the legislatures.[2] It might, however, be held that the legislatures represented the people and their acts were the people's acts.

The agents from any one state, no matter how many there might be, cast but one collective vote. Appointed by the state governments, and casting one vote for each state government, the delegates did not pretend to have received sovereign powers from the people. If perchance the delegates went beyond the limits set by their instructions the state legislatures did not hesitate to rebuke them,[3] and Congress as a body was quickly checked for any step beyond the bounds set by the state governments. The whole system was what Madison de-

[1] Rutledge and Sherman, quoted in Hart, *Contemporaries*, II., 436, 541.

[2] Poore, *Charters and Constitutions*, passim.

[3] Browne, *Maryland*, 277; Jameson, *Essays in Const. Hist.*, 7–32.

fined as a league or a treaty,[1] and bore a remarkable resemblance to that congress at Laybach in 1821, to which the members of the Holy Alliance sent representatives who claimed no part of the sovereignty of the participating nations.

The states seemed to acknowledge the sovereignty of Congress by turning to it to get advice as to setting up new governments, but they did this only as they might have written to each of the other twelve states to ask whether they might depend upon the backing of the rest in taking this risky step. Congress did not in reply issue a sovereign command, but merely recommended (November 3, 1775), first temporary, and then (May 10, 1776)[2] permanent governments. It was the same with the subject of independence, except that Congress did not advise, but awaited, express instructions from the conventions or legislatures of each state, and then voted on the subject by colonies. In the words of the Declaration, the representatives of the *states* of America, *united* to aid each other in attaining independence, proclaimed "that these United *Colonies* are . . . free and independent *states*," and "*they* have full power to levy war . . . and contract alliances." [3] A Pennsylvania convention expressed clearly what it thought of

[1] Elliot, *Debates* (Scott's ed.), 416, July 23, 1787. See also Marshall's definition in *M'Culloch vs. Md.*

[2] *Journals of Congress*, May 10, 1776.

[3] The italics are the author's.

this action, saying that, cogent reasons having been given "by the honorable continental Congress for the declaring this, as well as the other United States of America, free and independent, . . . we will . . . maintain the freedom and independency of this and the other United States of America." [1] Union meant for the time being only a prudent inter-colonial co-operation.

The things that men said, the powers that they gave their state governments, the acts of those governments, and the conduct of the Congress itself, all show that, in the minds of most men of the time, there were thirteen independent states which were temporarily acting together in the business of acquiring their individual independence. Nevertheless, people were beginning to talk of America as a political rather than a mere geographical thing, especially the citizens of the larger states,[2] and the wisest men saw that even after their independence should be accomplished they could not exist alone, but "must raise an empire of permanent duration." To assume that this had already been created, however, destroys the whole meaning of the political events of the dozen years that followed the year of independence. It was a time when necessity, like a wonder-working genius, wrought tremendous changes, exposing the weakness of particularism and suggesting the possibilities of union.

[1] *Pennsylvania Convention of 1776–1790*, p. 49.
[2] Adams, *Works*, II., 496–502.

It was the era of a mighty struggle by the men of larger views to get the idea of nationality into some objective form—a strong central government that would attract men to it and make them forget their local prejudices.

America now had before it the problem which the British ministry was trying to solve when it brought on the war—the problem of imperial organization. Could they form a great national system of government, without giving up all that they had contended for? Could they reconcile local liberty with central authority and real unity? That was a momentous question for all mankind.

In the first attempts of the American leaders to bring the thirteen states into a permanent union none could persuade them to make a strong national government. The states were to be coaxed, if possible, into a league of friendship which would enable them to enjoy among the nations of the world the privileges and immunities of a nation. Accompanying Lee's resolution for independence, June 7, 1776, was a motion to appoint a committee to draw up articles of confederation among the several states. June 12, such a committee was appointed, having one delegate from each colony; its most distinguished members were Samuel Adams, Roger Sherman, John Dickinson, and Edward Rutledge.[1]

A plan drawn by Dickinson was in the hands of the committee before the end of June, and shows

[1] *Journals of Congress*, June 12, 1776.

clearly that the problems which caused Dickinson the greatest trouble were all due to the sensitiveness of the individual states. Something had been learned, however, from Franklin's plan, proposed in the preceding year (July 21, 1775).[1] In the fundamental matter of representation, instead of Franklin's proportional representation, Dickinson yielded to the antipathy of the small states, and suggested a system in which each state had one vote. The power of the separate states was further safeguarded by providing that every state not represented should count as a vote in the negative,[2] and to pass certain measures of first importance, the affirmative vote of nine states was required.

Tenderly as this plan handled the local sensibilities, Rutledge declared upon sight that it could not pass. "If the Plan now proposed should be adopted, nothing less than Ruin to some Colonies will be the consequence of it. The Idea of destroying all Provincial Distinctions and making everything of the most minute kind bend to what they call the good of the whole, is in other Terms to say that these Colonies must be subject to the government of the Eastern Provinces."[3] "I am resolved," he continued, "to vest the Congress with no more Power than is absolutely necessary, and, to use a familiar

[1] *Am. Hist. Leaflets*, No. 20. See also Diary of R. Smith, January 16, 1776.

[2] Franklin's plan provided for a simple majority of a quorum consisting of representatives of one-half the states.

[3] Jay, *Corresp. and Public Papers*, I., 67.

expression, to keep the Staff in our own hands; for I am confident, if surrendered into the Hands of others, a most pernicious use will be made of it." Yet this instrument, with the provisions which so shocked Rutledge, did not give Congress the right even to tax or to regulate commerce, the two most indispensable functions of an effective government. Nevertheless, it proposed the strongest confederation that the world had ever known, and its daring astounded the men of the time.

July 12, 1776, the committee brought in their draught, and Congress ordered that eighty copies—just enough for the members—should be printed.[1] All were forbidden to furnish any person with a copy or reprint, and even the results of the debates upon the plan were to be entered only on the secret journals. The people of the colonies and the outside world must not know of their dissensions and discords. For several weeks there was an active debate in the committee of the whole, then, because Congress was "pretty thin, and hurried with other business," the matter was dropped until the following spring.

The "other business" was due to the misfortunes of the American army and the flight of Congress to Baltimore, where the deadly climate caused it to present "such a scene of yellow, deathlike faces that you would imagine Rhadamanthus had shifted his quarters and was holding court in Baltimore."

[1] *Journals of Congress*, July 12, 1776.

But upon the return to Philadelphia their spirits rose, and in April of 1777[1] Congress bravely resolved to give the plan of confederation two days in every week "until it shall be wholly discussed." For three months they kept doggedly at work trying to find effective compromises, until late in June, when other business became so pressing that the ill-fated plan was again laid aside for three months.

Not alone the fortunes of war, but the character and work of Congress itself explain these delays. The amount of work that the Continental Congress was called upon to do is almost incredible. John Adams wrote that he was incessantly at work from four o'clock in the morning until ten o'clock at night.[2] He said, with some pride: "No assembly ever had a greater number of great objects before them. Provinces, nations, empires are small things before us." [3] The dissolution of the old government had thrown America into a "political chaos," as Jay expressed it,[4] and much time, wisdom, and perseverance were needed to reduce it into form. The men of the time realized the immense labor that their revolution was placing upon them, but they thought, as Jay nobly said, that "the spending of a few troublous years of our eternity in doing good to this and future generations is not to be avoided or regretted."

[1] *Journals of Congress*, April 8, 1777.
[2] Morse, *John Adams*, 144.
[3] John Adams, *Familiar Letters*, 62.
[4] Pellew, *John Jay*, 114.

Not only were the labors of Congress enormous in amount, but they were of a most delicate nature. They were acting for thirteen independent bodies, who watched jealously every move lest their sovereign prerogatives be intruded upon. The colonial legislatures had watched the British government in the same way, but they did not concede to Congress even the powers formerly enjoyed by the Crown. In the minds of Americans of this time the Crown rights had not devolved upon the Continental Congress. As late as 1782, Madison asserted that such a supposition "was so extravagant that it could not enter into the thought of man."[1]

That Congress did not itself pretend to have inherited the sovereignty and the rights of the Crown its various activities show. In the first place, it acted as the mouth-piece of the patriot party in all the colonies.[2] It disposed of sundry applications, on behalf of individuals, not by assuming jurisdiction, but by recommending the local authorities to act. It considered requests for advice and aid to individual colonies, but it merely recommended action. It devised offensive and defensive measures, which were then urged upon the individual colonies. It raised, organized, and regulated a continental army, assuming the general direction of military affairs, and it also created and ad-

[1] N. Y. Hist. Soc., *Collections*, 1878, p. 147.

[2] Small, *Beginnings of American Nationality* (*Johns Hopkins University Studies*, VIII.), 56; *Journals of Congress*, passim.

ministered a continental revenue, but it had to turn to the states to support the army and to redeem its financial pledges.[1]

Congress also served as an organ of communication between the collective colonies and foreign communities or individuals. It devised peaceful plans and measures for the general good, superintending Indian affairs, and making a postal system designed to "convey intelligence from one end of the continent to the other." In all that it did the members never seemed to entertain a doubt about their actual subordination to the colonial assemblies which they represented. Up to the time of the adoption of the Articles of Confederation, Congress was merely the central office of a continental political signal system.[2] Its bulletins were made laws by the state assemblies, not because these recommendations were looked upon as having legal force, but because they were accepted as the most trustworthy readings of the signs of the times.

In carrying on the war, which was the chief business committed to its care, Congress not only deliberated but executed such measures as could not be turned over to the government of an individual state. Out of its own body came the men who as members of the committee of foreign affairs, or the board of war or treasury, had to look after the vexatious and tedious details which are ordinarily

[1] *Journals of Congress*, December 26, 1775.
[2] Small, *Beginnings of American Nationality*, 74.

cared for by a state, war, or treasury department. John Adams was a member of ninety committees which have been recorded and of many others of which no record was kept. "The whole Congress is taken up, almost," wrote Adams,[1] "in different committees, from seven to ten in the morning. From ten to four or sometimes five we are in Congress, and from six to ten in committees again. I don't mention this to make you think me a man of importance, because it is not I alone, but the whole Congress is thus employed. . . ."

Not only were the regular routine duties of executive departments to be performed, but all the work of their organization, and the remaking of such of them as failed. Everything, from the plan of a hospital to the plan of a seal, had to be made in committee.[2] John Adams as the head of the war board found his labor simply appalling. There was not only the immensity of the task, but, as we have seen, the delicacy required in wielding the dubious powers of Congress, which were so undefined and vague that none knew their bounds.

Out of a number of members that varied from two dozen to five score there were appointed committees for a hundred varying purposes: one to make rules and regulations for the army; one to collect lead and make salt; one to establish a post for conveying letters; one to print bills of credit,

[1] John Adams, *Familiar Letters*, 127

[2] *Journals of Congress*, index, under *Committees*.

and another to circulate them. Committees were created on the spur of the moment to intercept the vessels of the enemy and to provide a defence for certain threatened points. If ever a war was carried on by a debating society that war was the American Revolution.

In the very centre of all this complicated committee system, and charged with the duty of referring to the various committees all the business that properly concerned them, was the president of Congress, himself the most overworked of men. Besides his duties as a presiding officer, with little power and much work, he carried on in a somewhat clerical capacity a vast correspondence with the commander-in-chief, the governors of states, and local committees, upon subjects ranging from the plan of a campaign to the repairs on a local jail in which a state prisoner was confined. Yet even his task dwindles in comparison with the enormous labors of Charles Thomson, the secretary of Congress from its origin to its end. The vast volume of his work in registering the deeds of Congress, and his faithful care, have never been adequately appreciated.[1]

The judicial functions of Congress, which further added to its burdens, originated in the need of a court of appeal after the privateering system was established.[2] To keep American privateers from

[1] Harley, *Life of Charles Thomson.*
[2] *Journals of Congress*, November 25, 1775.

lawless and indiscriminate plunder, Congress recommended, in November, 1775, that the several colonies erect courts wherein all cases of capture might be tried by jury.[1] With rather daring assumption it was provided that in all cases an appeal might be made to Congress. All of the states acted on this suggestion in due time except New York, but Massachusetts, in April, 1776, rebuked the boldness of Congress by allowing an appeal to that body only in cases of capture by armed vessels fitted out at the charge of the United Colonies. The rest of the states seemed to concede this appeal, though in an actual case the North Carolina legislature barely allowed it, and in the famous Olmstead case (1778) the Pennsylvania court and marshal set at naught the decision of the Continental commissioners, and the latter, not wishing to endanger "the public peace of the United States," proceeded no further in the matter.[2]

As the Revolution dragged on, the states all grew more jealous of the Congress, and efforts were made to prevent any appeal from the state courts. Cases continued to come up, however, and Congress at first appointed special committees to consider each case, until in January, 1777, a standing committee of five was appointed to hear all appeals in prize cases.[3] For three years this committee carried on the work. No regular court was provided, because

[1] J. Franklin Jameson, *Essays in Const. Hist.*, 7–32.
[2] *Ibid.*, 17–22. [3] *Journals of Congress*, January 30, 1777.

Congress was doubtful of its own powers, and the present arrangement had a good precedent in the English system of appeal from the admiralty courts to a tribunal of commissioners from the House of Lords. The great fault was that the membership of the court was in a state of constant change, the same judges seldom acting for more than a few months. Great pressure having been brought to bear on Congress, it, at last, in January of 1780, established a permanent court of appeals, which may be regarded as the predecessor of the present Supreme Court of the United States.[1] Dickinson's plan of the Articles of Confederation had provided for such a court, but the long delay in getting the plan adopted by Congress and approved by the states caused Congress to worry along with the cumbrous committee system during most of the war.

If all this work could have been done in a well-fitted office-building, where interdependent committees might have had contiguous rooms, the snail pace of public business would still have been aggravating because of the delays inherent in the committee system; but there was only the little state-house in Philadelphia, which was merely suited to their deliberative work in congress assembled. The key to half the inefficiency of the Continental Congress is in a letter written by its president to General Washington. "It is a rule of Congress to

[1] *Journals of Congress*, January 15, 1780.

commit letters to the consideration of particular boards, and these being dispersed in different parts of the town and governed by rules of their own for meeting, it is not always in the power of the president to answer with that despatch which may seem necessary."[1] A more cumbrous method could hardly have been devised; and it must have lamed the service, even if there were no truth in Washington's complaint, that "idleness and dissipation take the place of close attention and application."

Still another reason for the inefficiency of Congress as a body was the fact that the ablest of the members, torn by their double allegiance, or sent abroad on foreign missions, were withdrawn just as they gained some training and fitness for their congressional work. Strong and ambitious men were more attracted by office in the state governments than by service in the Continental Congress.[2] So brief and fitful was the term of service that before the debate on the plan of confederation had well begun every one of the thirteen members of the draughting committee, except Samuel Adams, had left Congress; and when it was adopted even Adams was absent. Still, the weakness of the articles cannot be attributed to the absence of strong men, for the plan was debated by John and Samuel Adams, Carroll, Wilson, and Morris, though Franklin,

[1] *Continental Congress Papers* (MSS.), No. 13, I., 18. Dated York, November 13, 1777.

[2] Washington, *Writings* (Ford's ed.), VII., 383.

Chase, Gadsden, and Randolph had little to do with it.

The few able men who remained in Congress until the plan of confederation was at last agreed upon might have built more lasting foundations for national government had there been less sectional jealousy and dissension. "It is almost impossible to move anything," John Adams complained,[1] "but you instantly see private friendships and enmities and provincial views and prejudices intermingle in the consultation." Everybody was jealous of New England, and believed, as Benjamin Harrison sourly remarked, that "the Yankees" ruled as absolutely in Congress "as the Grand Turk in his dominions." [2] "The Force of their Arms," Rutledge jealously wrote, "I hold exceeding Cheap, but I confess I dread their overruling Influence in Council. I dread their low Cunning and those . . . Principles which Men without Character and without Fortune in general possess, which are so captivating to the lower order of Mankind." [3]

These slurs at New England and her democracy were not left without retort from that part of America. When the aristocratic south was drawn into the revolutionary whirlpool and compelled to accept the rife democratic principles John Adams laughed in his sleeve. "The dons, the bashaws, the gran-

[1] John Adams, *Works*, II., 448; Washington, *Writings* (Sparks's ed.), III., 68. [2] Oberholtzer, *Robert Morris*, 37.
[3] Jay, *Corresp. and Public Papers*, I., 67.

dees, the patricians, the sachems, the nabobs, call them by what name you please, sigh, groan, fret, and sometimes stamp and foam and curse, but all in vain." Thus the sections bandied ill-natured comments, and watched one another narrowly lest some advantage be lost.

Not only were there sectional jealousies, but the small states feared the power of the large; the landless states envied the states whose charters drew their bounds only at the South Sea, while Connecticut and Pennsylvania grew hot enough for war over the ownership of the Wyoming Valley. New York and New Hampshire, too, were at sword's-points over the Green Mountain territory, and, in the spring of 1777, Vermont set the New England and New York factions by the ears by asking to be admitted as an independent state. Added to this were the bitter theological differences between the eastern and middle states.

Even the varying nationality of the people of the several sections tended to destroy any unity of feeling. The middle colonies had the most mixed population,[1] and these non-English people having less interest in political principles, and being more fond of ease and homely comfort, were the slowest to take part in the revolution. Their representatives were bound to voice their loyalism, and created another faction in the Continental Congress. Lafayette declared that there were parties in Congress who hated

[1] Willard, *Naturalization in the American Colonies*, 38.

one another as much as they hated the common enemy. It is little wonder that even Washington lost his patience, and wrote in wrath, "Congress is rent by Party . . . much business of a trifling nature and personal concernment withdraw their attention from matters of great national moment." [1]

The evil influence of personal ambitions of which Washington complained was, of course, not peculiar to the Continental Congress; but it was there along with much manly self-sacrifice and devotion to the best interests of the country. Cynics became disgusted with the schemes of men to get for themselves or their friends the few plums borne by the ill-nourished congressional plum-tree. "There is as much intrigue in this State-House as in the Vatican," wrote Jay, "but as little secrecy as in a boarding-school." [2]

The want of secrecy is not so apparent, for Congress had early ordered that without leave no member should divulge anything under debate; [3] and as there was no newspaper or official report of debates, we are often in the dark where we most wish light. The letters and diaries of various members, however, give us occasional glimpses of the inspiring as well as disgraceful scenes within the state-house walls. Very rarely is there any view to be had of the members of the august body. John Adams,

[1] Washington, *Writings* (Ford's ed.), VII., 383.
[2] Quoted in Hapgood, *Washington*, 227.
[3] *Secret Journals of Congress*, November 9, 1775.

however, left to the world some vivid pictures, so true to certain exaggerated features as to be almost caricatures. He thought Francis Hopkinson, the member from New Jersey, "one of your pretty, little, curious, ingenious men." [1] This was the practical New England lawyer's view of the man whose culture seemed to him effeminate—the man who wrote dainty songs, did clever things with pencil and brush, composed music, and loved pure literature, who more than dabbled in physics, chemistry, mathematics, and mechanics, and who, finally, was a lawyer and a statesman of no mean ability. Hopkinson's figure in Congress moved Adams to mirth. "His head is not bigger than a large apple." "I have not met with anything in natural history more amusing and entertaining than his personal appearance." [2]

In Adams's truthful but ruthless diary he drew other sketches. Chase is described as violent, boisterous, tedious upon frivolous points. Edward Rutledge—"a perfect Bob-o-Lincoln"—is an uncouth and ungraceful speaker, who has an offensive habit of shrugging his shoulders, distorting his body, wriggling his head, rolling his eyes, and speaking through his nose. The other Rutledge "dodges his head" disagreeably, while both "spout out their language in a rough and rapid torrent, but without much force or effect." [3] Roger Sher-

[1] Tyler, *Literary Hist. of American Revolution*, I., 164.
[2] John Adams, *Familiar Letters*, 217.
[3] Adams, *Works*, II., 422.

man's air is the reverse of grace, when he keeps his hands still, but when he gesticulates "it is stiffness and awkwardness itself, rigid as starched linen or buckram, awkward as a junior bachelor or sophomore." Dickinson's "air, gait, and action are not much more elegant." [1] Franklin, "composed and grave, and very reserved," alone escapes this Yankee Hogarth. This was the Continental Congress as it would have appeared to any one looking on for the first time, but it was only a surface view, and these men of grotesque figure were members of a body of greater average ability than are parliamentary bodies generally. The true explanation of most of its failures lies in the inharmonious relations of the states which were represented, and the fact that it was ill-organized and overworked.

When, in the fall of 1777, the Articles of Confederation were again taken up for discussion, the members of Congress were in exile. For two weeks they had been in terror, fleeing from Philadelphia to Lancaster, and thence to York. There was plenty else for them to do, but they were getting desperate about the confederation, fearing that if it were not made while the war lasted it would not be made at all.[2] Already there had been a change in public opinion, and the representatives of the states seemed unwilling to grant to the Congress of the new confederation powers to which they had not objected in the earlier debates.

[1] Adams, *Works*, II., 423. [2] Boutell, *Roger Sherman*, 105.

During all of their discussions, the really great questions that confronted them seemed hardly to have occurred to the Congress. The problem which America had inherited from Great Britain—how much power should reside at the centre and how much in the local governments, the very question which had split the empire—seems not to have troubled them. There seemed to them but one answer to that: they assumed that the British imperial plan was wrong; of course each state would tax itself, and when the central government wanted money it could ask for it. Naturally, they would regulate their own trade, except that they should not make regulations that would interfere with treaties made by the general Congress.[1] In a word, they now put into practice their own theory of what should have been the relations between Great Britain and her colonies. To this they added the last fatal weakness, providing that the central government should act upon the states and not upon individuals, thus preventing the enforcement of the general decrees by the only feasible method.

In the new scheme of imperial organization there was but one element of strength. The citizens of each state were to be entitled to all the privileges and immunities of the several states.[2] Here was the one effective provision for harmonious relations between the states. These fundamental matters, however, were soon agreed upon, while over the

[1] *Articles of Confederation*, art. VI. [2] *Ibid.*, art. IV.

question of the relative influence that each state should have in the new confederation they spent months of debating and wrangling.

"If a Confederation should take place," John Adams wrote,[1] "one great question is, how we shall vote—whether each Colony shall count one, or whether each shall have a weight in proportion to its number, or wealth, or exports and imports, or a compound ratio of all." That question greatly alarmed the leaders. The great and the small colonies seemed bitterly determined not to yield to each other. Witherspoon, representing the small-state interests, thought that if each state did not have an equal weight "the smaller states would become vassals to the others. . . . Foreign powers . . . would make this a handle," he argued,[2] "for disengaging the smaller states from so unequal a confederacy." Wilson, of Pennsylvania, arguing for the large states, took an advanced stand, objecting to the view that Congress represented states, not individuals. "The objects of its care," he asserted, "are the individuals of the states." "It is strange," he added, sarcastically, "that annexing the name 'state' to ten thousand men should give them an equal right with forty thousand"; that was magic, not reason. Franklin doubted whether, even if the larger states were given

[1] Force, *Am. Archives*, 5th series, I., 637.

[2] Jefferson, *Report of Debates*, in *Papers* (Randolph's ed.), I., 26.

proportional representation, there was danger that the whale would swallow Jonah, but rather, as certain precedents showed, that Jonah would swallow the whale.[1] "Certainly," he said, "if we vote equally we ought to pay equally, but the smaller states will hardly purchase the privilege at this price." Indeed, they would not, and after defeating every other scheme that was offered they succeeded, October 7, in putting into the articles their own idea of voting by states.[2]

A week later it was agreed that each state should contribute to the funds for the common defence according to the value of the land within the state. This was carried by a single vote, New England voting solidly against it. One other vital question of sovereignty was temporarily settled on the following day. It was proposed that the Congress of the new confederation should have the right to ascertain the western boundaries of states claiming to the Mississippi River or the South Sea, as their charters expressed it. Separate states were then to be laid out in these western lands. This statesman-like scheme was promptly frowned down by a large negative vote, but it would not down entirely, and proved the great issue that long prevented the adoption of the Articles of Confederation.

[1] Jefferson, *Report of Debates*, in *Papers* (Randolph's ed)., I., 28, 26.

[2] *Journal of Congress* (MS.), October 7, 1777, XLVII., 79.

After another month of discussion the articles were completed and submitted to the states, November 17, 1777, at the moment when they were elated over Burgoyne's surrender. The letter of submission spoke of the difficulties of "combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under the conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties."[1] One of the rewards that they had hoped to win by the act of confederation was an alliance with France, and they therefore provided for a translation of the articles into French. Copies were also ordered distributed in Canada, while an address was sent to the Canadian people inviting them to enter the new confederation. For the moment everything assumed a golden hue. Men could not know that it would be over three years before every state should have approved of the new "league of friendship," and that for nearly four years the cloud of war was still to hang over them. There was good news in store for them, too, for with the spring came the long-desired treaty with France.

[1] *Secret Journals of Congress*, November 17, 1777.

CHAPTER XII

FRENCH AID AND FRENCH ALLIANCE (1775–1778)

THE arrival in France of the news of the surrender of Burgoyne proved to be the decisive event in bringing about a treaty of alliance. So momentous was that treaty, and so effective the aid of France in establishing American independence, that every step towards it is of the greatest interest. The fundamental causes of French interference in the American war lie centuries back of the Revolution; the more immediate causes began with the treaty of Paris in 1763. That humiliating peace with England, a French minister reminded the king, "was bought at the price of our possessions, of our commerce, and of our credit in the Indies; at the price of Canada, Louisiana, Isle Royale, Acadia, and Senegal." [1] It left France with neither power nor resource; "she had lost credit with her allies, and she had no consideration from other powers."

When the Duc de Choiseul signed the treaty he is said to have consoled himself in that moment of humiliation with the thought that it would soon

[1] Doniol, *Participation de la France*, I., 2.

be broken. From that hour he watched for a weak spot in England's armor. At the time of the Stamp Act he foresaw revolution in America, and he devised a plan to be followed by France at the moment when the colonies should declare independence. He sent the Baron de Kalb to America in 1768 that the progress of rebellion might be watched and aided.[1] Then he fell from power, and his plans were for the moment forgotten.

When Louis XVI. came to the throne, in 1774, he chose as minister of foreign affairs Charles Gravier, Comte de Vergennes, one who was ready to carry to the end Choiseul's plans for revenge. To Vergennes England was France's enemy in peace as well as in war, though not an enemy to be attacked unwarily. If Spain could also be induced to attack, because of her own danger from British aggression, the two states, striking while England was weakened by the rebellion in her colonies, might hope to reduce her power and regain their own prestige. A quarrel between Spain and Portugal, in which England interfered in the latter's behalf, was most opportune in causing Spain to look with favor upon a proposal by Vergennes to aid the rebellious American colonies.

It remained for Vergennes to win the other French ministers and the Bourbon king, who was no friend to "insurgents." In a secret paper, long and impassioned, Vergennes urged the king that England

[1] Doniol, *Participation de la France*, I., 637–638.

was the natural enemy of France. "She is an enemy at once grasping, ambitious, unjust, and perfidious. The invariable and most cherished purpose in her politics has been, if not the destruction of France, at least her overthrow, her humiliation, and her ruin"—an hostility which obliged France, declared Vergennes, "to seize every possible opportunity to reduce the power and the greatness of England . . . it is a duty for us to do so . . . now is France's opportunity.[1] . . . The Americans are at open war with their central government. . . . They appeal to us to give them aid and succor." As a sop to the king's conscience, Vergennes suggested that "if the English are foolish enough to destroy their power by their own force, to exhaust their finances and to engulf themselves in a civil war, why should we interrupt them? Let us quietly watch them consume themselves. . . . Our relative power is bound to be increased."

These extracts reveal the motives that most influenced the French minister; but upon the high-minded king he urged most, not revenge but the glory of France and her future peril from her remorseless enemy. Vergennes, indeed, found it convenient to use the king's honor as a foil when charged by the British government with showing favor to the Americans. "Even if his majesty's interest lay in feeding the flame of rebellion in America," wrote the wily minister, "his feeling of justice would

[1] Doniol, *Participation de la France*, I., 243–249.

forbid him to do so; and justice is the strongest impulse of his soul." [1]

In winning the approval of the king, Vergennes was ably seconded by Caron de Beaumarchais, author of *Le Mariage de Figaro*, and one of the most remarkable characters of the time. He was fired with the zeal of a fanatic to avenge the shame that England had brought to France in the treaty of Paris. He was in deadly fear that Louis would decide against aid to America. He begged the king in mercy not to make a decision without allowing him a single quarter of an hour to plead the cause in the royal presence. He wished to demonstrate the certainty of success and the immense harvest of glory to be obtained from so small a seed planted at the right time.[2] The gay composer of operas became fairly devout in his zeal. "May the guardian angel of this state turn favorably the heart of the king," he prayed.

Not trusting all to the angel, however, Beaumarchais submitted to the king (February 29, 1776) a most insidious paper, entitled "Peace or War?" in which he disclosed a suggestion which he said came from a secret agent of the colonies. This agent, Arthur Lee, had said, "We offer France, as the price of her secret aid, a secret commercial treaty by which we shall turn over to her for a

[1] Doniol, *Participation de la France*, I., 149.
[2] *Ibid.*, I., 251.

certain number of years after the declaration of peace all the advantages by which we have enriched England for a century past." America was also to guarantee France's possessions in the western hemisphere so far as that was possible. This was not all. Lee had threatened, according to Beaumarchais, that if this offer were refused America would at once make the same proposition to all the nations of Europe. Then, to retaliate upon France, she would send her first prizes into French ports and force France either to admit or forbid them. Forbid, and America would accept peace and join with England in an attack on the French islands; admit them, and a rupture with England would follow. Such was the striking and terrible situation, said Beaumarchais. To escape the dilemma, he suggested a plan to give America secret aid while still avoiding a rupture with England.[1]

Beaumarchais was just the man to aid Vergennes in working upon the king's fears and weaknesses, to drag him into an alliance with America. He delighted the king with his ingenious watch-making, his musical talents, and his skill as a dramatist. An indirect influence came through his popularity with the court, where his bold address and chivalrous bearing made him a favorite. His business talents had placed in his hands money enough to buy an office that gave him a standing with the nobility. The literary world and the philosophers were won to

[1] Doniol, *Participation de la France*, I., 402.

him, not alone by his genius in literature, but by his enterprise in the publication of Voltaire's works.[1]

None but the skilful pamphleteer, the unblushing adventurer, and the master of intrigue would have dared such a document as he put in Louis' hands, filled with sophistry if not with barefaced lies. His reported conversation with Arthur Lee shows either the one or the other to have been guilty of the most monstrous deception as to the purposes of the Continental Congress. Lee was an intriguer, too, of no mean powers in that dubious art, but, wherever the lie originated, it was not a threat authorized by Congress. One important thing only is certain: before the close of 1775 the French court was in active intercourse with the agents of America, and Vergennes used the knowledge thus gained to bring the king to his plan.

In another secret paper, submitted not to the king alone but to his cabinet, Vergennes dwelt with more emphasis upon the prophecy that France and Spain were threatened whatever the outcome of the American war.[2] If England won she would turn upon the French possessions in the West Indies for the purpose of diverting the minds of the Americans, and if she lost she would seek to seize them in revenge for the sympathy that France had shown for America. Spain's American possessions were likewise threatened; and, since they must fight eventual-

[1] Lomenie, *Beaumarchais*, passim.
[2] Doniol, *Participation de la France*, I., 273–278.

ly, why not do so at the most effective time? If open aid to the Americans was not advisable, secret favors would keep up their courage and hopes; and, even if they yielded at last, their sufferings would embitter them towards England, and it would exhaust her strength for a long time to keep them in submission. Here was the time marked out by Providence to "deliver the universe from a greedy tyrant that was absorbing all power and all wealth." France and Spain must "follow the impulse of their interests . . . the justice of their cause." They must avenge upon England the evils which for a century she had inflicted upon her neighbors and rivals. At the proper moment, when she was exhausted with war, a decisive blow might reduce her to a secondary power.

Improbable and illogical as was the argument showing that war was inevitable, it doubtless had great weight with the king and some members of his cabinet. Turgot, the great minister of finance, opposed Vergennes' counsel,[1] for French finances were so deranged that nothing but economy long persisted in could prevent a catastrophe, and he felt that the loss of America would not hurt England. "Wise and happy will be that nation which shall first . . . consent to see its colonies allies and not subjects." Vergennes' policy prevailed, however, and from that time he was to all intents and purposes at war with England, and was using every

[1] Memoir, in Turgot, *Works*, VIII. (ed. of 1809).

secret means to aid America. Beaumarchais was his agent. He interested every one, and intrigued with every one who could furnish arms and munitions of war to America. He seized upon every favorable report and carried it to the king. Without the money and supplies which he thus secured for America the war must have languished, perhaps failed.

Early in May, 1776, Vergennes secured the king's consent to a loan to America of one million livres, and at the same time he tried to get a like loan from Spain, to whose chief minister, the Marqués de Grimaldi, he had already communicated his reasons why France and Spain should join in aiding America. He succeeded in getting the loan,[1] though Spain assumed an attitude of hostility to England, not so much for revenge as because the American war would give her an opportunity to attack and annex Portugal while England was too weak to oppose.[2] This difference in motive became of great importance a few months later.

Up to this time France had aided America through connivance only. A French house, with which Franklin had opened negotiations, was permitted to buy in France arms and ammunition, which were shipped to America. Now the aid, though still secret, became more direct and of great importance. Thus far Vergennes had carried France with very

[1] Doniol, *Participation de la France*, I., 485.
[2] Tower, *Lafayette*, I., 140.

little instigation from America. Now in July, 1776, for the first time a representative of Congress began making efforts to enlist the aid of the French government.

The Continental Congress had appointed a "Secret Committee on Foreign Correspondence" in the fall of 1775,[1] but a motion that ambassadors be sent to France at that time met with no favor. John Adams argued ably for it, and wrote years afterwards: "You know the state of the nerves of Congress at that time. . . . Whether the effect of the motion resembled the shock of electricity . . . or of galvanism . . . I leave you philosophers to determine; but the grimaces, the agitations, and convulsions were very great." [2] The question of sending abroad ambassadors to seek alliances was earnestly debated. Franklin thought that "a virgin state should preserve the virgin character, and not go abroad suitoring for alliances." [3] Patrick Henry was eager for alliances, fearing lest England should get French aid herself by making large cessions of territory in America.[4] Adams strongly favored sending ministers, but desired only treaties of amity and commerce.[5] "We should separate ourselves as far as possible and as long as possible

[1] *Secret Journals of Congress*, November 29, 1775.
[2] Adams, *Works*, I., 200.
[3] Foster, *Century of American Diplomacy*, 9.
[4] Adams, *Works*, IV., 201.
[5] *Secret Journals of Congress*, II., 7; Adams, *Works*, IX., 409, I., 200.

from all European politics and wars," he wisely said.

Meanwhile the committee of foreign correspondence was led on by a secret agent of Vergennes, named Bonvouloir, who, September, 1775, was sent to America, instructed merely to watch and report the state of affairs there, but not to mention the word Frenchman or the disposition of the French court. Bonvouloir was very mysterious in all his dealings with the committee of foreign correspondence, but he subtly let them understand that France would not frown upon their advances. Though he denied all responsibility to the French government, the committee divined his real character, and they decided to send an agent to France, selecting for the mission Silas Deane, a member of Congress from Connecticut. March 3, 1776, he received his commission and instructions.[1]

Though Deane, assuming the not uncommon name of "Jones," departed secretly and wrote his reports with invisible ink, yet he had hardly arrived in France when spies discovered him, and the British ambassador demanded his expulsion from France. France refused, and continued to supply America from the royal arsenals with everything excepting brass cannon, "bearing the king's arms and cipher." Deane, as he was instructed by Vergennes in a secret interview, at once came into close relations with Beaumarchais, and the two contrived a more rapid

[1] Wharton, *Dip. Corresp. of the Am. Rev.*, I., 334, II., 78.

system of relief. By October, Deane was able to send clothing for twenty thousand men, muskets for thirty thousand, gunpowder, cannon, shot, and shell in large quantities.[1] French aid to America was, perhaps, never more effective than during the two years when she was ostensibly at peace with England. All the necessities of war, even to the gold to pay the soldiers, were sent to America through the agency of a new mercantile house with the fictitious name of "Hortalez et Cie." This house, on one of the main streets of Paris, was nothing more nor less than Beaumarchais' creation for the sole purpose of aiding America.

Meanwhile nearly every move of Deane and his American agents was known to the English ministry. The British ambassador, Lord Stormont, with unremitting ardor kept up a watch upon the French court that made him the most hated and most feared man in France. His spies were everywhere, sitting at the council board with the American agents and dining with them in their most confidential hours.[2] When, however, in August, 1776, England again complained of the presence of Deane in Paris, Vergennes replied that the king was master in his own house, and he would account to nobody for persons whom he saw fit to admit there.[3]

Plainly the French minister was gaining confi-

[1] Wharton, *Dip. Corresp. of the Am. Rev.*, II., 148.
[2] Stevens, *Facsimiles*, index under Bancroft and Stormont.
[3] Doniol, *Participation de la France*, I., 583.

dence, when he could talk thus boldly to the government which he feared as much as he hated. In fact, he was coming to the point of openly taking part in the war. When he heard that the Americans had declared their independence (August 13, 1776) he remarked that this "did not look very much as if terror were about to take possession of their souls." He at once formally proposed in the cabinet that France and Spain should begin open war. The French cabinet approved, and Grimaldi, the premier of Spain, who had been prepared for this move by months of sinuous and intricate correspondence, replied (October 8, 1776) to the proposition that Spain approved, wishing only that the annexation of Portugal might be considered her chief object;[1] and Vergennes would not have opposed this, but before he could reply there came the chilling tidings of the American defeat on Long Island. Vergennes was in despair, and, suggesting to the king that there was "no hurry," he notified Spain that they must wait—"the time for giving the Americans aid depends upon their success."[2]

France now simply fell back to her former policy of indulgence and secret encouragement of the Americans; but in Spain there was a revulsion of feeling, which overthrew Grimaldi, putting in his place the Conde de Floridablanca, who at once assumed towards France a more independent position.

[1] Doniol, *Participation de la France*, I., 611.
[2] *Ibid.*, I., 618, 620.

Spain did not cease to be more than kindly towards America, but, wishing to avoid any pretext of war with England, she would not treat directly with the representatives whom Congress had already sent to solicit her aid. Vergennes, too, moderated towards England, and the French king made a great show of hindering the departure of Lafayette, who in March, 1777, set sail for America.[1]

The Marquis of Lafayette was the most conspicuous of all the French soldiers who up to this time had gone to America. A majority of those who had preceded him might well have been spared. Many were mere soldiers of fortune, hating England, seeking adventure, or hoping for better pay and rank. "The greater number," wrote a French traveller, "were men crippled with debts and without reputation at home, who, announcing themselves by assumed titles and false names, . . . received considerable advances and disappeared at once." [2]

Deane was "wellnigh harassed to death" by them.[3] He could fill ten ships with them, he wrote. The American commissioners, later, were "hourly fatigued with their applications," which they were obliged to refuse.[4] "I wish," wrote one of them, "we had an absolute order to give no letter of recommendation or even introduction for the future

[1] Doniol, *Participation de la France*, I., chap. xix., II., chap. vii.

[2] Wharton, *Dip. Corresp. of Am. Rev.*, I., 397.

[3] *Ibid.*, II., 198.

[4] *Ibid.*, II., 286; Parton, *Franklin*, II., 233.

to any foreign officer whatever." "The importunity is boundless. The numbers we refuse incredible." [1]

The majority of these volunteers were French, but several of the more distinguished came from other lands. There were Kosciuszko, the Polish hero, and Pulaski, another of her patriots; Baron de Kalb, a soldier under Marshal Saxe, and, of late, Choiseul's secret agent in America; and, lastly, the Baron von Steuben, the great Frederick's veteran, who proved invaluable in disciplining and organizing Washington's raw troops.[2] Destined in the minds of the American people to head this roll of illustrious foreigners was Lafayette, who, with youthful enthusiasm, left wife and fortune and great social position to serve freely the cause of liberty. No other foreign soldier entered so completely into the spirit of the Americans and viewed with such sympathy all their shortcomings. Lafayette's service in America proved as effective in winning American hearts to France as did Franklin's mission in securing for America the friendship of that nation.

Some months before Lafayette's departure for America, the delay of France in declaring openly for the patriot cause had determined Congress to replace their agent, Deane, by commissioners with authority, as representatives of independent America, to seek recognition and negotiate a treaty of

[1] Wharton, *Dip. Corresp. of Am. Rev.*, II., 411.

[2] *Ibid.*, I., 397–419; Hatch, *Administration of Am. Army*, chap. iv.

commerce. Late in September, 1776, Franklin, Jefferson, and Deane were chosen, and Jefferson declining, Arthur Lee, then in London, was substituted.[1] Braving the terrors of a wintry sea, Franklin left America late in October, and December 18 arrived in Paris.

When the Marquis of Rockingham heard that Franklin had gone to France the significance of it appalled him. "The horrid scene at a Privy Council [when Franklin was exposed to the withering invective of Wedderburn and the councillors clapped their hands in delight] is in my memory, though, perhaps, not in his. It may not excite his conduct. It certainly deters him not. . . . He boldly ventures to cross the Atlantic in an American little frigate, and risks the dangers of being taken. . . . The sight of Banquo's ghost could not more offend the eyes of Macbeth than the knowledge of this old man being at Versailles should affect the minds of those who were principals in that horrid scene."[2]

Stormont, however, tried to comfort his government, suggesting what he had taken care to have reported about Paris, that Franklin came in the double capacity of negotiator and fugitive; "this suspicion," he added, "joined to the knowledge of his former character and to that reputation of duplicity which he has so justly acquired, will, I hope, throw many difficulties in his way."[3] Yet, he con-

[1] *Secret Journals of Congress*, II., 6, 31, 35.
[2] Albemarle, *Memoirs of Rockingham*, II., 302.
[3] Tower, *Lafayette*, I., 164.

ceded, there was a danger because of "the partiality of the French people."

To the French court the British ambassador protested against allowing the "chief of the American rebels" to enter Paris, but Vergennes pleaded ignorance of the motive of the coming "of this member of Congress." Indeed, so anxious was the French king to keep secret the real relations of France and America that, to use the somewhat exaggerated words of John Adams, "the grand Franklin himself was obliged to skulk about in obscurity in Paris, never admitted to the presence of the king, queen, or any branch of the royal family, nor to any of the ministers of state unless privately and in secret." It was in this way that Franklin had his first meeting with Vergennes, and he came away convinced that the unfavorable aspect of events in America made the court view a war with England reluctantly.[1] The French people, however, were favorable, he thought, and he set about winning them wholly to his cause.

His very appearance in France was greeted with the greatest enthusiasm. Adams declared that his reputation was more universal than that of Newton, Voltaire, or Frederick the Great. Of love and esteem, too, he had more than they. Not only was his name familiar to nobility, clergy, and philosophers, but "there was scarcely a peasant or a citizen, a valet de chambre, coachman, or footman, a lady's

[1] Wharton, *Dip. Corresp. of Am. Rev.*, II., 283.

chambermaid or a scullion in a kitchen, who was not familiar with it, and who did not consider him a friend to humankind." [1]

His venerable and patriarchal appearance, and the novelty of his thoughts, expressed in words as simple and graceful as were his manners, caused discerning men to declare him one of the most extraordinary men that ever existed. He was simple as Rousseau and witty as Voltaire, yet it was not in idealism but in good sense that his genius lay. The wise, the enthusiastic, and the frivolous were all drawn to him by some trait that won them. To the common people he was the restorer of the golden age; to the polite world he was philosopher, patriot, and apostle of liberty.

Paris lost its head over him. At entertainments beautiful women vied with each other to place on his white head a crown of laurels, and kisses on his cheeks.[2] He grew weary of sitting for busts and portraits and medals. On every jeweler's counter his benign features were set in innumerable rings, watches, snuff-boxes, and bracelets. His very singularity served to keep him in the public eye. Contrast could go no further than Franklin's appearance in court. Amid the lace and the embroidery, the powder and the perfume, walked this farmer figure, with brown coat, round hat, and unpowdered hair. He did not ape French manners, but, as Jefferson

[1] John Adams, *Works*, I., 660.
[2] Hale, *Franklin in France*, I., 363.

expressed it, he subjected France to American influence.

At first Franklin pressed matters a little. Not satisfied with his secret interview, he went with the other commissioners out to Versailles, and almost demanded an official interview, but contented himself at last with a formal written appeal to Vergennes. He pointed out the American need of French naval aid, the difficulty of meeting England's attacks when she could transport her army by sea, while the patriot army must go by land. To delay longer was dangerous. America now offered amity and commerce, but this chance might go, never to return.[1] This appeal was kindly received, but action was delayed, and the philosophic Franklin settled quietly down to wait. He would not push matters or take a high-handed course.

Franklin's whole diplomatic policy was simple. "It is my intention, while I stay here, to procure what advantages I can for our country by endeavoring to please the court." Adams, when he came, a year later, wanted the court to know its place, and, as a result, it refused to have anything more to do with him.[2] That stern Coriolanus of diplomacy would not flatter the French monarch for all his power, but Franklin, seeing that the king took a pleasure in reflecting on his generous benevolence in assisting an oppressed people, and that he regard-

[1] Wharton, *Dip. Corresp. of Am. Rev.*, II., 245.
[2] *Ibid.*, IV., 117.

ed it "as a part of the glory of his reign," thought it wise to increase that pleasure by grateful acknowledgments.[1]

It was the king whose support was now needed, for the rest of France had already gone over to the American cause heart and soul. The philosophers of France had long before aroused polite society to a fanatic worship of religious and political liberty. The French people were stirred on these subjects to the lowest ranks of society to which such rays of thought ever pierced. The Americans seemed to be fellow-worshippers of Rousseau and Voltaire. However little Jefferson may have been influenced by the French philosophy, his preamble to the Declaration of Independence might have been written by Rousseau. His followers in France, who now had enormous influence, thought that in America their Utopian dreams were being realized. Dwelling in the most absolute of monarchies, they warmed with enthusiasm over America's struggle for constitutional liberty. The followers of Voltaire, too, were charmed with the religious freedom provided for in the new state constitutions. Paine's "Common Sense" was a delight to both the followers of Rousseau and Voltaire, and all the ideas of "our dear republicans" were applauded by Marie Antoinette and other enthusiastic but frivolous aristocrats, who did not see what all this movement augured for themselves.

[1] Wharton, *Dip. Corresp. of Am. Rev.*, IV., 23.

By July, 1777, Vergennes had again come to the resolution to give America more direct aid. To the king he urged aid beyond "the weak and indirect assistance hitherto sent out parsimoniously and timidly to the colonies"; something more must now be done to help them win and to deserve their gratitude when peace should be restored. Besides, as to England, it was better to forestall than to be forestalled. They must not merely talk well, but act well. Not later than January or February of 1778 America must be openly aided or abandoned altogether.[1] The king approved of the argument, and Spain was then appealed to in the same manner. Thenceforth, France delayed chiefly in the hope of getting Spain to join in the alliance with America.

With England, meanwhile, France professed to observe all treaties, and ostentatiously proved her zeal by restoring prizes too openly brought into her ports, imprisoning such persons as were found to be fitting out armed vessels against England, warning those from America to leave French ports, and repeating her orders against the exportation of warlike stores. To the commissioners France professed a real friendship, wished success to America's cause, winked at the supplies obtained in France, and all the time continued her own preparations for war. Though Franklin saw the duplicity, he felt sure that there was sincerity towards America, "especially as

[1] Doniol, *Participation de la France*, II., 461–468.

the united bent of the nation" was towards the patriot cause.[1]

While Vergennes was still waiting there came most disheartening news from America—the occupation of Philadelphia by the British, which was regarded in Europe as a serious blow to the patriot cause. Hardly had this news saddened the commissioners, however, when a despatch came, December 7, 1777, that Burgoyne was overthrown and his troops were prisoners of war. Beaumarchais dislocated his arm in his mad haste to get this news to the king. Burgoyne's defeat had an inconceivable effect upon the minds of men; it was hailed with delight throughout Paris, and the rejoicing might fitly have followed a French victory won by French arms.[2] Now or never, cried Vergennes. There was no more time to lose. A courier was hurried off to Spain, and work on a treaty of alliance was at once begun.[3]

Spain, owing to changes in the government of Portugal, which removed the irritating conditions that had aroused Spanish ire, was not so eager for war. In addition she had begun to fear that independent America might be an ambitious and dangerous neighbor on the American continent. Her premier said that if France treated with America the act would lead to certain war, which not only could have no good object, but there was, as yet, no

[1] Wharton, *Dip. Corresp. of Am. Rev.*, II., 388. [2] *Ibid.*, II., 452.
[3] Doniol, *Participation de la France*, II., 643, 632–636.

fixed plan for making it. The possible humiliation of England was no good reason for France and Spain to begin hostilities. Before the courier could return, however, France had decided. After Saratoga, Vergennes showed great haste lest Great Britain should acknowledge America's independence, and France thus lose the American gratitude, which an open and effective alliance would win. The commissioners were informed that his majesty would make the treaties that had been previously discussed. The terms were quickly agreed upon, but for military reasons the papers were not signed until February 6, 1778.[1]

One of the two conventions was a commercial treaty quite like a draught previously prepared by Congress. The other, which was not warranted by any instructions from Congress, was a military and political alliance with France. The independence of the United States was recognized. To achieve it was the declared object of the alliance. Combined military movements were provided for and certain probable conquests were divided, while the possessions of each in America were guaranteed. In the negotiations for peace there was to be a joint consultation and approval.[2] This was the first and only treaty of alliance ever made by the United States.

When the news reached America it was received

[1] Ratified by Congress May 4, 1778. *Journals of Congress.*
[2] *Treaties and Conventions of the U. S.*, 296–310.

with joy by the leaders of the revolution, who had staked their all on its success, but in the country at large it met with mingled joy and sad forebodings. It shocked the conservative American mind to have all its traditions of hate abruptly broken. Englishmen would not have been more astounded to find themselves allied with Frenchmen than were the Americans of that day. Not a generation before they had fought for their very existence at Great Meadow and on the Plains of Abraham with the same people who were now their allies. Hatred of England had not yet made them lovers of France.

The alliance was a severe blow to the hopes of the loyalists, but they used the known American antipathies to France, and New England's hatred of Catholicism, to make the treaty as unpopular as possible. Can the tiger and the ox feed at one stall? they asked; such an alliance must bring inevitable ruin. To bring in such aid was like the Trojans dragging the wooden horse within their walls. When Gérard, the new French minister, arrived there were dark hints that parts of America had been ceded to Louis, America's new "guardian of liberty." Congress had exchanged the faithful mother, England, for France, the treacherous and cruel stepmother. To make the alliance distasteful to the rugged farmer and the stern Puritan, they were reminded of the French dancing-masters, fiddlers, and friseurs.[1] Lafayette and his fellow-

[1] Van Tyne, *Loyalists*, 153–156.

officers were described as the "frog-eating gentry now capering through" America, taking snuff and bowing thirteen times before their mirrors.

Americans were promised also a bastile and "the felicity of popery." Indeed, the Tory papers declared, vessels were even now ready to leave France with bales of indulgences and tons of holy water, relics, beads, and crucifixes. Crape-shifts, hair shirts, cowls, and scourges were coming, too, with wheels, pincers, shackles, and fire-brands for the conversion of America. Franklin himself had already been decorated with the order of the holy cross of Jerusalem. Absurd as many of the newspaper canards were, they could not surpass the foolish stories that were rife in the taverns and on the street corners where the new treaty was discussed.

Nevertheless, the Americans as a whole took heart again, and if the alliance did not actually save the American cause it greatly shortened the struggle. Up to this time the English had had the enormous advantage of supremacy on the sea. Henceforth the French fleet, wherever it might be, compelled England in resisting French attacks to use many ships which should have been used in transporting troops to America. The last great victory over England was due also to the aid given at Yorktown by the French fleet and army.

CHAPTER XIII

THE TURN IN THE TIDE IN ENGLAND AND AMERICA

(1778)

THE news of Burgoyne's surrender had given France its final impetus to an alliance with America. To the British government the tidings came as a staggering blow. It was already battling with an ever-growing opposition at home. From the beginning of the struggle there had been a party in England who believed that "if despotism were once established in America, arbitrary government would at least be attempted in the mother-country." [1] David Hume, in his dying hours, wrote that "if the Court carried the day in America, the English Constitution would infallibly perish." [2] So far as the patriot cause was the cause of political liberty, the American war was a phase of a struggle between two English parties, fighting on both sides of the Atlantic, in the forum in England and on the battle-field in America. At a time when America was faring ill, Walpole complained that Englishmen

[1] Albemarle, *Memoirs of Rockingham*, II., 276.
[2] Trevelyan, *American Revolution*, II., pt. ii., 156.

were exulting over the defeat of fellow-countrymen, who were fighting for English liberty as well as for their own.[1]

From the first the American cause had able defenders in Parliament. These were men, however, who were striving to give votes to the voteless, to get for voters the right to elect whom they chose, to free a shackled press, and to prevent the king's control of Parliament and the courts.[2] They feared with Pitt that England was doomed to bind her own hands, and wear patiently the chains which she was forging for her colonies. They defended America for the sake of England. "If America were subjugated, Britain would not long be free."[3]

So formidable was this opposition to the ministerial political methods that, during the war, England was constantly agitated by movements to reform the system of electing members of Parliament and to overthrow the court's methods of corruption. The open meetings of freeholders and freemen in this cause, the county associations, and the reformers' committees of correspondence — all met no effort of repression by the government.[4] The movement was strong enough to inspire awe.

In and out of Parliament the Whigs rejoiced open-

[1] *Walpole's Letters*, VI., 409, January 26, 1777.
[2] Sydney, *England in the Eighteenth Century*, II., 184–188.
[3] *Correspondence of the Earl of Cornwallis*, III., 360; Chatham, *Correspondence*, IV., 333.
[4] Trevelyan, *American Revolution*, II., pt. ii., 224.

ly over American victories. In the House of Commons it was not unusual to speak of the American troops as "our armies," [1] and Franklin and Henry Laurens, the president of Congress, were extravagantly praised. Newspapers consistently handled Washington with respect. One said, "There is not a king in Europe but would look like a valet de chambre by his side." Benedict Arnold, too, before his treason, was a favorite hero, and his picture was everywhere, though after his treason he was bitterly attacked. Parallels were drawn repeatedly between Hampden and Montgomery, and their causes said to be the same.[2] The English Whig journals openly denounced Lord North for having begun an unjust war which he was incompetent to conduct. Yet the government, which before the war had muzzled the press ruthlessly, now allowed America to be praised, and endured violent attacks upon itself.[3] When so many people approved such language the administration saw the danger of prosecution. The support of the nation was given to the defenders of political liberty.

Midway in the struggle, however, the Americans changed the standard about which they rallied—or, rather, they thenceforth carried two, liberty and independence. Pitt and Burke and their Whig followers, with their eyes still upon the first standard,

[1] Lecky, *American Revolution* (Woodburn's ed.), 336.
[2] Trevelyan, *American Revolution*, II., pt. ii., 179.
[3] *Ibid.*, II., pt. ii., 168–173.

and ignoring or doubting American fidelity to the second, continued the struggle in their behalf. A branch of the Whig party, led by the Marquis of Rockingham, believed that reconciliation was impossible, and held that the granting of independence was a necessity.[1] At first this party was small —the bulk of the English people adhering to Chatham, who condemned the king's policy, but who hoped for reconciliation. The Tory party, with its backing of clergy and country squires, viewed with horror the men who would consent to lose America, and, deaf to the pleas of Chatham in behalf of liberty, demanded that rebellion be crushed.

After the Declaration of Independence the ministry, with its Tory adherents, were supported in carrying on the war by a state of public mind easy to understand, however paradoxical it seemed. The majority of Englishmen were eager to win, having entered the quarrel, but they hated the cause. They supported the king because he stood for persistent war, but they hated him because he had led them into such a detestable conflict. They admired the political principles of the Americans, but despised their desire to secede from the empire. They were insulted by the Declaration of Independence and disgusted with the courtship of France. The great damage to English trade and commerce still more embittered them. Besides, the cause itself wore away by degrees from a question of

[1] *Memoirs of Rockingham*, II., 347.

right and wrong among fellow-countrymen to a war between England and a foreign nation.[1]

Then, too, men were more influenced by the promises of the ministry—a brief war, costing little, and that cost easily reimbursed by taxes afterwards to be laid in America. The colonists were reported as cowards and easily conquered. They would prove very submissive after being trounced—so the ministry promised. Until events proved these assertions to be false, the war as a war was popular. The news of Burgoyne's defeat went far to destroy the illusion that the American war would prove brief, cheap, or easy. Moreover, the king and his ministry knew that war with France was now imminent. They hoped no longer for America's unconditional submission. The tide of English opinion was turning.

The king saw the folly of resistance, and unwillingly consented to new conciliatory propositions to America.[2] On the eve of the adjournment of Parliament, December 10, 1777, Lord North announced his intention of offering measures of conciliation after the holidays. Chatham spoke on the next day, urging immediate action;[3] there was not a day to lose, he cried, for France would soon be in the contest. His warning was not heeded, however, and not until February 17, 1778, when the

[1] *Memoirs of Rockingham*, II., 305.

[2] Donne, *Correspondence of George III. with Lord North*, II., 125.

[3] Chatham, *Correspondence*, IV., 478.

French and American treaty was already signed, did North bring into Parliament his bills of conciliation. Everything that America had asked, except independence, the ministry was willing to concede.[1] Tea duty, taxes, commercial restrictions—all were thrown into one peace-offering at America's feet. Commissioners were at once to be sent over-sea with pardons for everybody. The capitulation of the ministry was complete, except as to American independence.

If Lord North had resigned, as a minister whose policy had failed should have done, the House of Commons would have known what to do, but it now sat in amazement. Here was all that any one except the Rockingham faction of the Whigs had desired. Members listened "with profound attention" to North's speech in defence of his measures,[2] "but without a single mark of approbation to any part." No class was pleased; the Tories cried that they were betrayed, while the Whigs, getting no credit from North for the use of their own thunder, were disgusted with their new and unexpected ally.

North spoke truly enough, too, when he said that he had believed in moderation all along; but it was in him the greater fault that for five years he had carried on a cruel war, contrary to his own judgment and wishes, because the king had appealed to his loyalty. King George even threatened to abdicate

[1] 18 George III., chaps. xi., xii., xiii.
[2] *Annual Register*, 1777, XXI., 133.

if his minister resigned,[1] and North weakly refused to put his majesty to the test, thus holding his loyalty above his patriotism. As no one could consistently vote against the bill, it passed, and the commissioners, Lord Carlisle, William Eden, and George Johnstone, were duly sent to America.

A month before the commissioners were ready to leave England, France announced (March 13, 1778)[2] that she had formed an alliance with America. England and France were at once face to face in open war. It was one of the most critical moments in British history; the nation had no confidence either in her ministers or her generals, it was difficult to raise armies at home, and the foreign sources appeared to be closed by the action of Frederick the Great in forbidding to German soldiers passage through his dominions.[3] Nothing but the imperial spirit and an economic fallacy of the time kept the majority of Englishmen to the support of the American war. If America became independent, they reasoned, all of its great commerce would be diverted from England to other countries, and British power would decay.[4]

Under this conviction the majority thought only of continuing the war, and with one accord they turned to Chatham, the one man who inspired uni-

[1] Donne, *Correspondence of George III. with Lord North*, II., 154. [2] *Annual Register*, XXI., 159.

[3] *Memoirs of Rockingham*, II., 329; Lowell, *Hessians in the Revolution*, 52, 53, *Amer. Hist. Review*, IX., 469.

[4] Hume, *Letters* (Hill's ed.), 288, 296.

versal confidence. To Chatham more than any other individual the nation rightly attributed the British supremacy among nations. His genius had led England to the rule of the sea, to the overthrow of French power in America, and to the establishment of a colonial system that embraced the uttermost lands of the earth. At a time when Dr. Johnson was "willing to love all mankind, except an American,"[1] Chatham's sympathies reached even to those depths, and America in turn loved him. England now looked to him as a savior. Feared in France, reverenced in America, and the idol of all Englishmen, he would be great for conciliation, or, if that failed, great as an administrator of war. All parties called for Chatham—North, Mansfield, Camden, the greatest Tories, and the greatest foes of the great commoner, all urged the king to call him to the head of the ministry.

Almost alone among Englishmen George III. remained unmoved. "No advantage to this country," cried the king, "no present danger to myself, can ever make me address myself to Lord Chatham." He might have a place *under* Lord North, but the king would not see him;[2] indeed, he did not expect "Lord Chatham and his crew" to come to North's assistance. George III. was "stuffed with all hon-

[1] Boswell, *Johnson* (Napier's ed.), III., 8.

[2] Chatham, *Correspondence*, IV., 511–517; *Memoirs of Pockingham*, II., 351; Donne, *Correspondence of George III. with Lord North*, II. 149.

orable virtues," but he was stubborn and unduly anxious to be absolute. He had assumed the right to direct in all particulars the policy of the government, at times prescribing even the arguments to be used in Parliament in defence of the administration. Ministers had acted as his agents, regardless of their better judgments, and now he did not propose to be a slave the rest of his days to Lord Chatham. "Rather than be shackled by these desperate men," wrote the king, "I will rather see any form of government introduced into this island, and lose my crown than wear it as a disgrace." [1] Thus for purely personal reasons the king ignored the welfare of his realm.

It is doubtful whether Chatham could have cemented the broken empire, but even while the king was refusing to let him try the great statesman came to his life's end. April 7, 1778, he appeared in the House of Lords to protest against a proposal to grant American independence. In a voice barely audible even in the awed silence of the chamber, he protested against the "dismemberment of this ancient and most noble monarchy." He sat down to listen to the opposition, and as he rose to reply he fell back senseless and was borne from the chamber to die.[2]

Sublime and awful as the passing of the great leader was to all others, it meant but one thing to

[1] Donne, *Correspondence of George III. with Lord North*, II., 156.

[2] Chatham, *Correspondence*, IV., 519.

the king. "May not the political exit of Lord Chatham," he wrote to North, "incline you to continue at the head of my affairs?"[1] The government was in fact strengthened, for the leader of the opposition was gone. The war with France was popular,[2] and most Englishmen rose to it with a feeling of joy that the war with America could not inspire.

While England was gathering her forces for the attack upon her new enemy, her peace commissioners were crossing the Atlantic, and early in June of 1778 arrived in America.[3] Except the fact of the French alliance, many things seemed to favor their project. The army had suffered terribly during the winter just passed, and an intrigue among the officers and in Congress—the infamous "Conway Cabal"—had even attempted the overthrow of Washington. The financial troubles of Congress were nearing a crisis, and there was a general weariness of war.

When, in December, 1777, Washington retired to Valley Forge, his army entered upon a most trying winter encampment. The attempt of Congress to make of the commissary department a democratic institution had utterly ruined its effectiveness. Unfit men filled the offices of the department, and responsibility rested nowhere. While "hogsheads of shoes, stockings, and clothing were lying at differ-

[1] Donne, *Correspondence of George III. with Lord North*, II., 171.

[2] Lecky, *American Revolution* (Woodburn's ed.), 355–357.

[3] Mahon, *History of England* (ed. of 1853), VI., 246.

ent places on the roads, . . . perishing for want of teams" or teamsters, nearly three thousand men in Washington's army were unfit for duty because they were barefoot and otherwise naked. Steuben wrote that the men were literally naked, some in the fullest extent of the word. Hundreds of horses starved to death. Men yoked to the provision wagons like oxen brought meagre relief to starving comrades, who lay in huts or wigwams of twisted boughs. At evening the cry would go up along the soldiers' huts, "No meat, no meat."[1]

Washington pleaded with Congress to do something to relieve the suffering. In the middle of February there was "little less than a famine in the camp." Indeed, a part of the army had been for a week without any kind of flesh. "Naked and starving as they are," wrote Washington, "we cannot enough admire the incomparable patience and fidelity of the soldiery." He marvelled that there had not already been "general mutiny and dispersion." There were "strong symptoms of discontent," and only the most active efforts everywhere could long "avert so shocking a catastrophe." In fact, during that winter over two thousand three hundred deserters went into Philadelphia and joined the British army.[2] In the words

[1] *Journals of Congress*, April 14, 1777; Gordon, *American Revolution*, III., 68 et seq; Washington, *Writings* (Ford's ed.), VI., 260; Kapp, *Life of Steuben*, 118; Brooks, *Henry Knox*, 115; Hart, *Contemporaries*, II., 570.

[2] *The Examination of Jos. Galloway* (Balch's ed.).

of an American officer, "the love of freedom . . . is controlled by hunger, the keenest of necessities."[1] As a Tory expressed it—in Washington's camp the soldier had thirteen kings and no bread, and it seemed better to serve one king and have plenty of bread.

Not only were there desertions, but, as Baron Steuben complained, there was an eternal ebb and flow of men engaged for three, six, and nine months. Steuben now entered upon his great work of drilling and organizing the army. He was amazed to find that the terms company, regiment, brigade, and division had no significance. Sometimes a regiment was greater than a brigade. The ranks were so depleted that Steuben found a regiment with but thirty men and a company consisting of one corporal. The use of bayonets was not understood; they were either left at home or used to toast beefsteak. The arms were covered with rust, and in most cases cow-horns or tin boxes served for pouches.[2] Steuben could not make them braver men, but he did begin with great success to drill them into better soldiers and to teach them the use of their weapons.

While Steuben was reforming in this direction, Washington strove against the prevailing democratic horror of a standing army. Though Congress had authorized eighty thousand men, Wash-

[1] Washington, *Writings* (Ford's ed.), VI., 381.
[2] Kapp, *Steuben*, 115, 117.

ington never had more than eleven thousand during his struggle with Howe in 1777. Congress's refusal of pensions made the officers fearful of their future, and Washington noticed "the frequent defection of officers seduced by views of private interest . . . to abandon the cause of their country." Numbers went home and entered upon more lucrative employment.[1] Some system of half-pay alone would save the cause, Washington declared, and Congress answered by a niggardly grant for seven years.[2] The large fortunes to be won outside of the army in those days of speculation formed too great a contrast for patriotism to withstand. "Men may speculate," Washington wrote, "they may talk of patriotism," and draw examples of it from ancient stories, but it was no sufficient basis for a long and bloody war. I know patriotism exists, he continued, "and I know it has done much in the present contest, but . . . a great and lasting war can never be supported on this principle alone. It must be aided by a prospect of interest or some reward."[3]

Sensible as the arguments of Washington were, the Continental Congress was so overwhelmed by present financial difficulties that it had some defence for its tight-fisted policy. To raise money for the war had been a difficult problem from the first.

[1] Washington, *Writings* (Sparks's ed.), V., 305, 312, 313, 322, 351, VI., 168. [2] *Journals of Congress*, May 15, 1778.
[3] Washington. *Writings* (Sparks's ed.), V., 323.

Amid the overthrowing of old governments, driving out governors, and forming temporary governments, it did not seem prudent for a body with no defined powers or jurisdiction, which met for one purpose and stayed for another, to try to tax, where it had no power, for the purpose of waging a war in opposition to a tax. Yet before the close of 1776 Congress had an army and a navy, and foreign representatives, and a postal system to be provided for. Everything pointed to paper money as the only means of escape.

Besides the necessity which seemed to demand fiat money, there was the habit which the colonies had acquired. At an early date (1690), Massachusetts, in order to pay the expenses of a military fiasco, had been tempted to avoid increased taxation by issuing bills of credit, which "like the River Nyle in Egypt," were to "make all the land fruitful."[1] Her example was followed with evil consequences, to which the colonists, except "the men of business and property," were blind,[2] and when, 1764, Parliament passed an act prohibiting the emission of bills of credit, the colonists bitterly resented it.[3] The act for their good became a cause of revolution. For eighty years they had been habituated to paper money based on public

[1] *Tracts Relative to the Currency of Mass.* (Davis's ed.), 383; Hutchinson, *Hist. of Mass. Bay*, I., 356; Greene, *Provincial America*, chap. xvii. [2] Pownall, *Administration*, I., 198.

[3] 4 George III., chap. xxxiv.; Franklin, *Works* (Bigelow's ed.), III., 418.

credit and pledged taxes, or issued at loan offices on land security, and nothing was more natural than for Congress to turn in the hour of need to this temporary resource.

That policy once entered upon could not be checked, and before the close of the war over $240,000,000 had been issued, and side by side with it, in ruinous rivalry, was over $200,000,000 issued by the states in spite of the protests of Congress. Beyond $20,000,000 the congressional alchemy failed to change paper into gold, and early in 1777 depreciation to the extent of thirty-three and one-half per cent. was recognized by law in Pennsylvania.[1] All financial arrangements made before the war were thereby deranged. Persons depending upon life incomes, fixed salaries, or fixed rents were ruined. Widows and orphans and all who had saved in the years before the war lost daily, while many debtors hastened to pay their debts with depreciated bills.[2] They took advantage of legal-tender laws, hastily passed in most of the states to stay the downward plunge of distrusted paper, and debtors pursued their creditors "in triumph, paying them without mercy."[3] Then prices soared to absurd heights, because the owners of goods tried to exact in quantity what the paper medium lacked in value. To meet this emergency, laws were passed

[1] Phillips, *Amer. Paper Currency*, I., 33.
[2] Bullock, *Monetary History of the United States*, 65, 60.
[3] Witherspoon, *Works* (ed. of 1803), IV., 553.

at various times, in one state to-day and in another to-morrow, regulating the prices for which goods might be sold. Addresses poured in upon Congress, and conventions were held to try the balm of uniformity for the bruised finance.[1] Prices varied so widely in different localities, and from week to week, that sharp, money-getting men rapidly enriched themselves. Many men left honest trades to become rich knaves.

The moral evil increased daily. "Speculation, peculation, engrossing, forestalling," wrote Washington, "afford too many melancholy proofs of the decay of public virtue."[2] In Philadelphia many seemed abandoned to the most unrestrained luxury of living. Fortunes were quickly won and quickly spent. Nothing seemed stable, and the spirit of gambling grew apace. Worse still was the temptation to counterfeit.[3] The crude designs and signatures were easy to copy and forge, and, in spite of terrifying laws passed post-haste to frighten down the evil, the volume of counterfeits grew, and dragged down with it the already discredited genuine paper. The British quickly seized upon this weapon for ruining the patriot cause, and large quantities of counterfeits were made within the British lines, thence spreading broadcast over

[1] Boutell, *Roger Sherman*, 103; Continental Congress, *Papers* (MSS.), XLIII., "Addresses."

[2] Washington, *Writings* (Ford's ed.), VII., 388.

[3] Bolles, *Financial History*, chap. xi.

America.[1] As a result of the Continental bills of credit and the attendant evils, a witness truly said of the patriots, "Their paper money hangs like a mill-stone about their necks and is ready to sink them."[2]

Added to the financial muddle was the real economic distress of the country due to the disturbance of trade. Many articles for which America had depended upon Europe were now to be had only by desperate ventures on a sea ranged by British war vessels. It was along the seaboard, indeed, that there was the greatest distress. The whole defenceless coast was exposed to the attacks of the British ships. New England had lost her Newfoundland fisheries and her trade with the West Indies was suspended. Household manufacture had, to an extent, however, supplied some of the greatest wants in textile fabrics, both linen and woollen, and America was proving true the assertion of Burke, that a rich country with an ingenious and capable people would not succumb, enervated by the wants created by their own development of civilization.[3] One by one the needs of the situation were met. Gunpowder, iron implements, arms, everything that war or every-day life demanded, came forth as if conjured by necessity. Women

[1] Bolles, *Financial History*, 151; Van Tyne, *Loyalists*, 151, and App. C. [2] *Magazine of Am. Hist.*, VI., 57.

[3] Weeden, *Econ. and Soc. Hist. of New England*, II., 788, et seq.

toiled with spindle and distaff, blacksmiths hammered and farmers ploughed, and all the plain home industries were plied while war dragged on year after year.

The want and starvation in the winter's camp at Valley Forge might seem to indicate famine in the surrounding country; but at Philadelphia, not a day's journey distant, the British had no difficulty in getting fresh provision from all the country round.[1] Howe paid gold for supplies, while Washington paid paper, and it was a hardy patriot who was blind to the difference. Every effort of the state governments to prevent this traffic failed. Laws that threatened the offender with fines, imprisonment, pillory, or even cropping of the ears were of no avail.[2] Produce was plenty, but ready and good money was not, and the British army was rather welcome than otherwise, because it furnished a market.

It was not as in an enemy's country that the British spent the winter in Philadelphia. It was a gay season from the first, and in the spring, when Sir William Howe was recalled and Sir Henry Clinton took his place in supreme command, there was a grand tournament,[3] known as the *Meschianza*,

[1] Stevens, *Facsimiles*, No. 2096.

[2] Cf. laws of New York, April 13, 1782; New Jersey, December 22, 1780; Delaware, March 20, 1778; Rhode Island, October, November, 1775; Connecticut, February 12, 1778.

[3] *Annual Register* (1778), 264; Watson, *Annals of Phila.*, II., 290; Stevens, *Facsimiles*, No. 2096.

which was said to have brought together the most brilliant assembly the New World had ever known.

Hardly had this imposing pageant closed when Clinton received orders to leave Philadelphia and concentrate his forces at New York. While the army was preparing for this move the peace commissioners arrived, finding everything in confusion, and about three thousand of the miserable inhabitants embarked on board British ships to escape from a place where they thought they should receive no mercy from their returning countrymen.[1] There were not ships enough for refugees and soldiers, too, and Clinton decided to lead his army across New Jersey.

As the British left Philadelphia the patriots entered. Leaving Arnold in command of the city, Washington pushed on to strike a blow at the British, which might at least turn their march into a retreat. At Monmouth the American army attacked, but, with victory almost within their grasp, the opportunity of crushing the enemy was lost by the treachery or cowardice of General Lee, who had recently been exchanged and restored to his place in the American army.[2] Lee, like Parolles, had already begun to smell somewhat strong of fortune's strong displeasure, and was soon after court-martialled and suspended from the army,

[1] Stevens, *Facsimiles*, No. 1109.

[2] Brooks, *Henry Knox*, 119; *Pa. Archives*, VI., 606; Hamilton's letter, in *Pa. Magazine of History*, II., 140.

which he never again rejoined. By prompt action Washington saved his army from being thrown into confusion, and the issue of the battle, though it did not hinder the British march to New York,[1] was such as to bring prestige to the American army and its leader. Washington now marched up the Hudson and encamped at White Plains.

The hopes of the peace commissioners were dimmed by the departure of the British army from Philadelphia just as they arrived to begin their negotiations. They did not despair, however, but made every effort to succeed, going beyond their actual powers, so far as to promise that without the consent of American assemblies no troops should ever be sent to America again.[2] They even offered representation in the English Parliament. Their zeal was in vain, for Congress by a unanimous resolution refused "to consider propositions so derogatory to the honor of an independent nation." If the king would withdraw his fleets and armies or acknowledge American independence they would strive earnestly "to spare the further effusion of human blood."[3]

Still the commissioners persisted, but Congress refused to receive their letters, and at last, in October of 1778, the commissioners returned to England after issuing a proclamation which offered

[1] See Clinton's account, in Stevens's *Facsimiles*, No. 1114.
[2] *Ibid.*, No. 1104.
[3] *Journals of Congress*, June 17, July 18, 1778.

pardon to all who would lay down their arms and remain loyal to Great Britain. The promises made to Congress were now made to the state legislatures, and they were warned not to persist in their demand for independence and in their alliance with France. Such conduct would change the whole contest, and England would seek by every means in her power to "destroy or render useless a connection contrived for her ruin and for the aggrandizement of France."[1] If the British colonies were to become an accession to France, England would "render that accession of as little avail as possible to her enemy." The war of desolation thus promised was prophetic of the character of much of the rest of the struggle.

[1] *Annual Register*, XXI., 322.

CHAPTER XIV

CIVIL WAR BETWEEN WHIGS AND TORIES (1777–1780)

THE character of the war was not long in changing after the mission of conciliation proved in vain. The autumn of 1778 witnessed the plundering of Martha's Vineyard, while New Bedford and Fair Haven were burned because they were the "nests of American privateers." The coast of New Jersey was harried in like manner, and small bodies of American troops surprised in out-of-the-way posts were given no quarter.[1] The new mode of warfare was made no more palatable to the patriots by the report that it was largely the work of Tory refugees, now beginning to take an active part against their countrymen.

By the natural course of events the relations of the loyalists and patriots became greatly embittered. The early attacks upon loyalists increased in severity, until those who did not conceal their sympathies were obliged to flee to the British lines or to foreign lands.

[1] Governor Livingston's summary, in Sabine, *Am. Loyalists*, 21; *Acts of New Jersey* (1775–1783), 83; *Journals of Congress*, February 27, 1778; *N. J. Archives*, 2d series, I., 451., II., passim.

Still there were left great numbers who had no good will for the patriot cause. Their fellow-loyalists who had fled to the British army well understood their plight, and constantly urged the British commanders to send skeleton regiments into the regions where loyalty was strongest,[1] giving assurance that many of their brethren would at once flock to the king's standard. Pennsylvania, New Jersey, Delaware, and Maryland were regarded as especially promising fields for such recruiting. This advice was usually neglected, and loyalist aid was scorned as of no value. The British officers and soldiers felt a cold tolerance for the loyalists, and never gave them a warm and sincere reception. Loyal as well as rebellious colonists were "our colonists," not equals. The Whigs, however, were well aware of this danger in their midst. The menace of a "Tory insurrection" frequently prevented the local militia coming to the aid of the regular army. Nevertheless, there were but few instances of local uprisings, and such as there were gave little aid to the British military plans.

The refugee loyalists, however, began early to take a part in the struggle by joining the British army. Active leaders with commissions from the crown organized companies of exiled or outlawed loyalists. Such were the regiments raised by Allan McLean and Guy Johnson in New York,[2] and that company of fugitives, led by Sir John Johnson,

[1] Stevens, *Facsimiles*, No. 2097.
[2] Flick, *Loyalism in New York*, 101.

which hung on the Canadian frontier, until with another company, known as Butler's "Tory Rangers," they came with St. Leger to aid Burgoyne's invasion by the capture of Fort Stanwix. When they were routed and sent back over the Canadian line, it was only to return and become the terror of the New York frontier.

In company with their Indian allies they entered, in the summer of 1778, into the Wyoming Valley, where dwelt some settlers from Connecticut in territory the ownership of which was disputed by Pennsylvania. No aid was likely to come from that state, and the settlement lay temptingly exposed to the ravages of the partisan bands. They swept through the valley (July 1 to 4), leaving such a scene of desolation and murder that it seems to-day the surpassing horror of the Revolution.[1]

Late in the fall (November 11) Butler and Brandt, his Indian ally, repeated the terrors of the Wyoming expedition by burning the village of Cherry Valley,[2] in central New York, and murdering about fifty of the inhabitants. At last Congress was aroused to send them succor. General Sullivan entered the ravaged territory and defeated the Tory forces at Newtown (August 29, 1779), checking them for a time,[3] though they returned and con-

[1] *Pa. Archives*, VI., 626, 634, 647, 664.

[2] Clinton, *Papers*, IV., 266–300.

[3] Sullivan's official report, in Cook, *Sullivan's Indian Expedition*, 296.

tinued their reign of terror until the close of the war.

During the first two years of the war the southern frontier was ravaged by Indians who were incited and aided by American friends of the king. In the Northwest, too, the Tories were of great service in keeping the British control of that region until, in 1779, George Rogers Clark defeated Colonel Hamilton and his loyalist soldiers.[1]

In a manner less conspicuous than these struggles on the frontier the loyalists became an important factor in the war. When Howe came to New York he overcame their aversion to joining the regular army by bounties and pay which they much needed in their destitute condition, and thus increased his army by thousands of loyalists. Tryon, the exiled governor of New York, was made major-general of the loyal provincial forces; and when Parliament, in 1779, provided that provincial officers should take rank as juniors of the rank to which they belonged, the service with the regular troops became popular. New York alone furnished about fifteen thousand men to the British army and navy.[2]

Many loyalists did not like this regular service, however, and in 1778 the refugees in New York began to form companies of loyal militia in which the recruits might choose their own leaders. Promi-

[1] *Ill. Hist. Col.*, I., 400, 401.

[2] Van Tyne, *Loyalists*, 168; *Rivington's Gazette*, May 19, 1779; Flick, *Loyalism in New York*, 112.

nent men among them urged repeatedly that they arm against their "cruel and inveterate enemies, the rebels." So many appeared at the musters and the drills of the loyal militia that it was said with pride, and believed, that the whole number of loyalists mustered on one of these occasions exceeded Washington's Continental army.[1] In January, 1780, the strength of the loyal militia in New York was estimated at five thousand eight hundred and fifty-five men.[2] In addition to the fifteen thousand regulars, New York furnished about eight thousand loyal militia.

Another resource of the loyalists was privateering, which had been discouraged by the British government while there was hope of conciliating America. When that hope was gone, ready sanction was given to this means of making war a greater curse. The refugees were allured by every device to enlist in this enterprise. They were, to quote the advertisements, to have "a chance to repair their losses at the expense of their perfidious enemies."[3] The direction of the enterprise was soon intrusted to a board of directors, principal loyalists from each American province, who approved of the officers before they received commissions.

Both by land and sea these refugees from the

[1] Van Tyne, *Loyalists*, 172.
[2] *Rivington's Gazette*, January 29, 1780.
[3] *N. Y. Colonial MSS.*, VIII., 740–764; *Rivington's Gazette*, November 27, 1779.

persecutions of their fellow-countrymen began to retaliate upon those who had driven them from their homes and who were already confiscating loyal property to help pay the expenses of war. The British government ruled that they should plunder "rebels" only, and that they might hold what they seized. Prisoners taken by them were to be exchanged for captured loyalists. In a word, they were licensed to prey upon the land and the sea, "to prowl for their own living," as the Whig papers put it, "and maintain their families by plunder and robbery."

The land forces, leaving the British lines for a few hours, would dash into the enemy's country, up the Hudson, into "indigo Connecticut," or over to New Jersey, and drive off horses and cattle, kidnap the Whig owners, and in some cases leave a village in ruin and desolation.[1] Every farmer lived in fear of the Tories "lurking in the woods," and measured his loss not only by the amount of which he was robbed, but by the harvests which he dared not gather, and which lay rotting in the fields. Committeemen and members of the state legislatures were kept in terror by the occasional capture of one of their number and horrible stories of his fate. Jails were emptied and burned, and many Tories thus liberated. In spite of the efforts of the Whig governments to terrify these marauders by hanging

[1] Van Tyne, *Loyalists*, 175; *N. Y. Archives*, 2d series, I., II.; Index under "Raids" and "Tories."

them as murderers when they were caught, their expeditions continued, and helped to evolve that hatred of the Tory which persisted long after the other wounds of the war were healed.

Along the sea-coast the loyalists harassed their enemies in the same way.[1] From a station at Lloyd's Neck, on Long Island, the fleet of associated loyalists made repeated attacks upon the whole New England coast. So many of these marauding ventures went forth under the cover of night that "owls and ghosts" and "thieves and Tories" came to be closely associated in Whig minds. Many of these attacks were of a petty nature, and resulted only in captures of sheep, poultry, cattle, wood, corn, and an occasional Whig who had tried to resist their predatory attempts.

The most serious loyalist expedition was led (July, 1779) by Governor Tryon, who chiefly directed the operations of the loyalists, against the coast of Connecticut. He laid Fairfield and Norwalk in ashes, and burned the ships in New Haven harbor.[2] That town was fired, too, but the yeomanry in the vicinity drove the marauders away and prevented further destruction.

As the importance of loyalist services to the British grew, patriot intolerance increased. Between Whig and Tory there had been growing, from the first, a tissue of recrimination, retaliation, and mut-

[1] Van Tyne, *Loyalists*, 182.
[2] *Conn. State Records*, II., 423, 425, 426.

ual hate that caused them to view each other with distorted vision. The patriot saw in the loyalists only traitors who were undermining American liberties; who had occasioned the war by persuading the king that the patriots were rebels; had tempted the savages to join the British standard, and with them had scalped the aged and the fair and the helpless. Everything that was done by the most abandoned wretches who took up the British cause was regarded as the innate character of every loyalist whether declared or secret. Not to favor the Revolution was to be its enemy. Even the most sober public documents spoke of the loyalists as "still pursuing their dark and criminal designs of enslaving America."

From lawless persecution of the Tories by irresponsible mobs, the Whigs had advanced to a control by revolutionary committees, who drove them from the community, denouncing them as "incorrigibles," and forbidding them food or comfort.[1] Then the state conventions took them in hand, and finally the state legislatures and the Continental Congress. The aim of persecution seemed at first to be the conversion of the Tory; but as the war advanced a spirit of revenge and hate was manifest. The Whigs forgot that these men had been their respected neighbors, and they seemed to believe them born with a natural ferocity, like the savage.

The refugees at least escaped further personal per-

[1] Hunt, *Provincial Committees of Safety*, 60, 80.

secution, though they left their property at the mercy of the Whigs; but the suspected loyalists—those who did not openly take the British side, though they would not declare against them—were constant sufferers. They were early deprived of the right to vote, for they were not citizens of the new states, the Whigs argued, if they refused the oath of allegiance. When they tried to vote they were fined and imprisoned. All offices of trust or profit were forbidden them.[1] In the courts of law not even the rights of a foreigner were left them; they could not sue their debtors or have recourse in law for any assault, insult, blackmail, or slander; they could not serve as guardians or executors, or even buy and sell land or make a will. Their deeds of gift were invalid, and their property was at the mercy of their fellow-men. None of them might serve on a jury, and lawyers who refused the oath of allegiance to the Whig cause were denied practice in the courts.[2] New York and New Jersey were especially severe in this matter, while Pennsylvania removed loyal sheriffs, justices, and the like, as well as the lawyers. That the rabble should have made all practical justice impossible for the Tories was an inevitable result of the war, but the refusal by the legislatures of even theoretical justice shows how deep-seated political hate had become.

Few of the states went further than depriving

[1] Van Tyne, *Loyalists*, App. B.
[2] *Laws of New York*, October, 1779.

lawyers of their profession; but the Pennsylvania legislature suspended the powers of the loyalist trustees of the College of Philadelphia, forbade all persons who refused to take the oath of allegiance to act as professors, masters, and tutors, or even school-masters.[1] "The rising generation," explained a similar New Jersey law, "should be early instructed in the principles of public virtue and . . . the amiable ideas of liberty and patriotism, and at the same time inspired with the keenest abhorrence of despotic and arbitrary power."[2] It was an unnecessary law, however, for zealous patriots were not sending their children to Tory school-masters any more than they were buying drugs of Tory apothecaries, or employing Tory physicians. Many a doctor was ruined because people feared to employ him. Rumor had it that Tory medicines were all more or less poisoned. Even merchants and traders were ruined by legislative persecution or by the slanders of Whig rivals.

The laws did not stop here, but placed an interdict upon all speaking and writing against the patriot cause. Congress urged this as early as January of 1776, and the states acted so readily that it was soon truthfully said that "there is more liberty in Turkey than in the dominions of Congress." Men must neither speak ill of Congress or affirm the king's authority over the United States, not

[1] Van Tyne, *Loyalists*, 322, App. B.
[2] *Laws of New Jersey*, October 6, 1777.

even "under the pretence of prayer." Enormous fines, half of which might go to the informer, punished the offenders.[1] Imprisonment and even death was the penalty in some cases.[2] The Declaration of Independence was made a sacred subject. No word was tolerated against the raising of a Continental army, and not a whisper derogatory to the Continental money. Undoubted Whigs might safely refuse the paper money, but a suspected Tory became the sink for all this financial refuse. His rents were paid in it. He got the "worthless rags" for his produce, but often must buy his necessities with hard money. Let him protest, and a violent attack swept away all his wealth at once. He was treated as a "disaffected and evil-minded person" who had entered a "gigantic plot" to depreciate the Continental currency.

In the midst of this democratic revolution the liberty of the individual was hedged on every side. The presence of many spies made the identification of strangers very important,[3] hence every traveller, whether gentleman, express carrier, or common beggar, was forced to carry a certificate of character from Congress or some local committee. Inn-keepers, ferrymen, and stage-drivers were fined if they failed to ask for it. Reputed Tories could not get these certificates, and were in consequence tied to their homes, where they often found the least toler-

[1] Van Tyne, *Loyalists*, App. C.
[2] *Laws of New York*, March, 1781.
[3] Van Tyne, *Loyalists*, 205, App. C.

ance. The certificate system kept the Tories, too, where the compulsory militia service enforced by the patriots drove them to the support of a cause they despised. Refusal to serve branded a man as a Tory.[1] Religious scruples were as a rule respected, but one's record for piety must be unimpeachable. There were heavy fines for a failure to appear at muster. Sometimes men were forcibly placed in the ranks, and even compelled to march with muskets tied to their backs. Nor did the Whigs stop with forcing men to arms, but the enemies of their cause were obliged to celebrate their victories, to illuminate their houses in honor of Independence Day, and unwilling clergy were forced to preside at fast-day ceremonies.

If we regard the sum of these restraints, the wings of loyalist freedom were very closely clipped. The Tory could not vote or hold office; he had no legal redress for his wrongs; no loyalist member of the bar could defend him; he was denied his customary vocation and his liberty to speak or write his opinions; he could not travel or trade where he chose, and he must pay and fight for the cause he hated. It must be remembered, however, that all of these restrictions were not to be found in any one place nor at any one time. Nor were they rigorously enforced except where the cloud of war hung most threateningly. At such times, as Washington wrote (January 6, 1776), "the situation of our affairs seems to call for regulations like these." . . . "Vigor-

[1] Van Tyne, *Loyalists*, 207.

ous measures, and such as at other times would appear extraordinary, are now become absolutely necessary."

In spite of every effort, however, no legal restraints could drive the loyalists to a line of conduct that satisfied the patriots. Their very neutrality was dangerous to the patriot cause. Their respectability and their former social influence caused them still to be examples for imitation. Ostracism by common consent or by the order of revolutionary committees had destroyed the Tory influence in the early days when feeling was high, but, as the war dragged on, men became more willing to listen to the counsels of the loyalists, and were often won to their point of view. Thereupon the Whig committees began to quarantine the Tory, to confine him to his house and yard. His word of honor that he would not injure the Whig cause in any manner gave him in some cases greater freedom, but a breath of suspicion sufficed to get him immured in prison walls, where his companions were debtors, thieves, and murderers.[1]

When quarantine and the parole failed, the Whigs resorted to a plan of sending them to other states where loyalism was not so common, and where, as strangers, the loyalists' influence was diminished. At the approach of the British, hundreds of loyalists were thus hurried off "to the back country," where

[1] Van Tyne, *Loyalists*, 226, and Apps.; Hunt, *Provincial Committees of Safety*, 29, et seq.

they could give no aid to the king's cause.[1] Tories living near military posts or passes were driven away, lest they carry information to the enemy. This process caused much real suffering, which was unavoidable in the nature of the case. Whole loyal districts were at times "rooted out," that those "abominable pests of society" might be prevented from mischief.[2] "Not to crush these serpents before their rattles are grown," wrote General Lee, "would be ruinous."

During their enforced journeys to exile, the loyalists asserted that they were treated with great cruelty, even driven like herds of cattle to distant provinces. The patriots declare that they used every kindness. The difficulties of travel in that day, the uncertain temper and character of the Whig agents, and the stress of weather seem to have been the chief evils. Of course the "Tories" were jeered and hooted by the Whig mobs in the towns through which they passed, but of deliberate cruelty there seems little evidence.

When the political exiles reached their destination the more influential and dangerous were confined in jails, not with the common prisoners, but by themselves, receiving reasonable care for the preservation of their health. The milder class of exiles did much as they liked. Their greatest trouble was in getting lodgings, for none wished to house a

[1] See Conn., Md., Va., and Pa. Records, passim.
[2] Van Tyne, *Loyalists*, 223, 224.

"Tory," and their friendlessness and want of means often caused them suffering.[1]

Not satisfied with the results of the system of exile to other districts, the Whigs began ere long to banish their Tory enemies — to send them out of America, forbidden to return. During the war eight of the thirteen states formally banished certain prominent Tories either conditionally or unconditionally. North Carolina and Massachusetts began this formal banishment in the spring of 1777. In the latter state a perfect system of proscribing and banishing Tories was devised. Each town chose an investigator who prepared for the selectmen a list of enemies to the patriot cause. The proscribed persons were tried, and, when convicted, were sent on board a guard-ship, and transported to foreign lands at their own expense. Their real estate was not to be sold, and the threat of death without benefit of clergy hung over any who should return. Later the legislature made out a list of two hundred and sixty persons, chiefly of the well-to-do refugees then within the British lines,[2] and declared them banished forever.

The other proscriptive laws gained the same end by different methods, and in the five states where none were passed the end was attained either by another sort of legal attack or by "a good and wholesome law of tar and feathers." The story of

[1] See especially Thomas Vernon's *Diary* (*R. I. Hist. Tracts*, No. 13).

[2] Van Tyne, *Loyalists*, 336. App. C.

a flight from an angry mob, followed by weeks of skulking in the woods and swamps, and at last reaching the British camp exhausted and penniless, is painfully frequent in the records of the loyalists.

The banished men went to England, to the West Indies, and the Bahamas. Many went to Canada, but the greater number, reflecting that most rebellions in the past had failed, awaited in New York, or some other American city of refuge, the "speedy revival of civil authority." For the most part they were in great want. As early as the summer of 1778 Sir Henry Clinton wrote that nothing distressed him so much as the applications he hourly received from great numbers of refugees who crowded to New York from every corner of America. Many were reduced from affluence to the utmost penury.[1] They usually found friends, however, for the refugees from the several provinces had formed societies to look after the interests of fellow-loyalists. Many were permitted to till the lands of the Whigs who had fled. Loyal charity boards were organized, and many ways were contrived to eke out the government's scanty provision. Fines, lotteries, and entertainments took money from the soldiers for the support of the refugees, and a "Board of Directors of the Associated Loyalists" superintended the distribution of these funds.

While they tried to persuade themselves that there was not a "penumbra of a doubt how the game

[1] Stevens, *Facsimiles*, No. 1121.

would end," they kept up courage by convivial discussions in the loyal taverns. They talked much of their "devotion to the king's sacred person," of "George's wrath" and "Britannia's rage." "Haughty Spain" and "aspiring France" were loudly threatened. "Old England's lion" was pledged in many a loyal cup. Whigs past and present were denounced. In Charles I.'s time they were "regicides and republicans," in Cromwell's "levellers," and in the time of Charles II. Puritans, and now politicians who aimed to reduce all men to a state of nature.

Across the Atlantic the refugees fared little better than in New York. The "army of New-Englanders in London" found that city "a sad lick-penny." They "could not breathe the vital air without great expense." No word or aid came to them from their American friends, no more than if "they were in the region of the moon." They seemed to have come to England "only to suffer hunger and nakedness in the comfortless mansions of the wretched." Their very loyalty was little respected. To the lower classes they were only "damned American rebels."[1] Their numbers were so great that one declared that there would be scarcely a village in England without some American dust in it by the time they were all at rest.

The British government employed as many as possible, yet the provision for the temporary support of those unemployed amounted, before the end

[1] *Curwen's Journal*, 61, 102, 154.

of the war, to over £40,000 yearly.[1] The relief, too, was often injudiciously distributed. Interest, influence, and a sounding title, or mere presumption and boldness, secured aid, while character, merit, and real losses went uncompensated. There was much discontent, and many, like Curwen, confessed how truly American they were after all. "For my native country I feel a filial fondness; her follies I lament, her misfortunes I pity, and to be restored to her embraces is the warmest of my desires."[2]

All hope of restoration in their old homes was taken from the loyalists long before the war was ended. Early in 1777, laws were passed in every state except South Carolina and Georgia attainting "divers traitors," and defining as a traitor one who adhered to the king of Great Britain.[3] To accept a commission from the king, to enlist in his army, or persuade others to do so, brought upon the person convicted a death penalty and the forfeiture of all his property. The famous Pennsylvania "Black List" contained four hundred and ninety names of persons attainted of high-treason, most of whom had gone off with the Britisn when they evacuated Philadelphia. The larger number never returned, a few were pardoned or proved their innocence, but several were convicted and executed.[4] In New

[1] *Transcript of Loyalist Papers*, "Old Claims for Temporary Support" (MS. in Lenox Library). [2] *Curwen's Journal*, 253.

[3] Van Tyne, *Loyalists*, chap. xii. and App.

[4] *The Black List* (Philadelphia, 1802); *Pa. Archives*, VII., 22–58.

York over one thousand were tried and sentenced, some six hundred being released on bail.[1]

Armed bands of rangers scoured the country in every direction in search of "traitors," bringing their victims to special committees for trial. In general, the states which were the seats of active war made the most rigorous application of the treason laws. Washington and other patriot leaders condemned the treason trials. "By the same rule that we try them," he wrote, "may not the enemy try any natural-born subject of Great Britain taken in arms in our service?" Prisoners of war they might be, but not traitors held for the gallows.[2] The actual number of executions, however, was very small compared with the great number attainted or tried and found guilty.

Not only were the refugees forever exiled if attainted with treason, but they had no property with which to resume the old life, even if permitted to return unmolested to their former dwelling-places. Every vestige of their possessions had been taken from them, at first by a nibbling system of fines and special taxation, and later by the "all-devouring rage for confiscation." Fines for evading the militia, for the hire of substitutes, and fines for their misdeeds; fines for refugee members of the family, and fines for every manifestation of loyalty

[1] Flick, *Loyalism in New York*, chap. vi.
[2] Washington, *Writings* (Ford's ed.), VI., 241.

rapidly ate up the loyalists' substance.[1] In New York and South Carolina they had to make good all robberies committed in their county.[2] Double and treble taxes made neutrality expensive, or compelled absentees to pay an unequal share of the war expenses.

From fining and taxing loyal property the Whigs at last turned to confiscation. The patriot had a covetous eye on the loyalists' property from the first. An interested benevolence had tried to protect the loyalists' estates from private plunderers, but the property was only saved to enrich the coffers of the state. The idea gained ground that the confiscation of loyalists' estates would provide the sinews of war. Paine urged it, and some states began the work even before the resolution of Congress, late in 1777,[3] recommending that the states confiscate and sell the loyalists' property and invest the proceeds in continental loan certificates. Thereafter the plan was popular, and in time all the states seized upon loyalist property for the uses of the commonwealth.

In spite of the great opportunities for corruption, which were improved, great sums came into the state treasuries from the sale of forfeited lands. In New York alone over $3,600,000 worth of property was acquired by the state,[4] although lands in

[1] Van Tyne, *Loyalists*, App.
[2] *Laws of New York*, October 15, 1779.
[3] *Journals of Congress*, November 27, 1777.
[4] Flick, *Loyalism in New York*, 159.

New York City, Long Island, and Staten Island practically escaped confiscation, because that territory was in British power until 1783, when the zeal for confiscation abated. The important and lasting result of confiscation, however, in New York and elsewhere was that large manors and estates were cut up into small lots and sold to the common people, thus levelling, equalizing, and making more democratic the whole social structure. This result, and the actual elimination, by banishment, of many thousands of the most conservative Americans, must have hastened by many years the triumph of democracy. It is not unlikely that the early errors of the republic in finance, diplomacy, and politics might have been in part corrected by the conservative element exiled or long deprived of political and social influence by unremitting intolerance.

CHAPTER XV

THE NEW WEST

(1763–1780)

WHILE the democracy was gaining power by banishing the aristocracy and parcelling its great estates among the small land-owners, events were taking place in the West which would secure the future of the democracy in the United States. When the Revolution began, the westward movement had already made its influence felt, and the frontier had done its part in letting the revolutionary forces loose. Population had been flowing for some time from the seaboard to the lands beyond the "fall line"—the point on the rivers flowing into the Atlantic above which boats from the "tide-water" region could not go.

The vacant back-lands tempted men from the settled regions,[1] where the rich planters had engrossed the available lands and set up a kind of landed aristocracy. In the new lands on the upper courses of the rivers the large plantation could not flourish, because the valleys were narrow, suited only to small farms, and the lack of water communi-

[1] F. J. Turner, in *Am. Hist. Review*, I., 72.

cation with the sea prevented the transportation of products to rich markets.[1] Men lived upon the diversified products of the small farms, and no man was much richer than his fellows. Economic equality begot social equality, and political equality and democracy followed.

The people of the back country had a strong influence upon the Revolution by their aid in democratizing the new state constitutions, and giving a more democratic flavor to the whole movement; but of equal importance with this reaction upon the conservative seaboard was the movement they had already begun towards seizing and holding the vast region to the west of the Alleghanies. Between those mountains and the Mississippi River was an immense unbroken wilderness, more extensive than the settled domain of any civilized nation of that age. To get undisputed possession of it, England fought the French and Indian war, but in that very act she aroused forces that were to take it from her. To meet the expenses of defending the acquired territories, she taxed the colonies without their consent; she had aggravated the coast colonies by annexing to Quebec the region northwest of the Ohio, and by employing their aid in winning the western region she had taught them to fight and given them trained leaders for their military resistance.

England's own hold on the western country was

[1] Semple, *American Hist. and its Geographical Conditions*, 62.

very slight. Garrisons or mere trading-posts in a few French towns, Natchez and Kaskaskia on the Mississippi, Vincennes on the Wabash, and in Detroit, represented her actual possession. Certain of the rebellious states claimed the region on the strength of their ancient charters, and England could only assert her treaty rights from France. If the war of independence succeeded, the West would evidently pass into the hands of the actual possessor at the time of making the treaty of peace.

The westward migration of the colonists had already begun to determine this outcome. With the progress of the eighteenth century the West opened up more and more to the invading colonists. The trail of the deer and the bison to the salt-lick became the trail of the hunter, the path of the fur-trader, and the road of the immigrant. The Scotch-Irish and the Germans of Pennsylvania, following the southern trend of the valleys between the Blue Ridge and the Alleghanies, settled the Shenandoah Valley and the Piedmont region of the Carolinas.[1] German settlers entered the Mohawk Valley in New York.[2] By 1763 the advance had passed the divide, and on the upper waters of the Yadkin and French Broad were settlements that seemed to have passed beyond British control. The king thereupon forbade by proclamation all settlement

[1] Turner, in Am. Hist. Assoc., *Report*, 1893, p. 202.
[2] Griffis, *Sir Wm. Johnson*, 6.

beyond the sources of rivers falling into the Atlantic.[1]

Between that time and the Revolution, however, the British government was on the whole not unfavorable to western settlement under certain regulations. It received favorably a scheme to set up a colonial government north of the Ohio—the so-called Illinois colony—though the plan failed because of changes in the ministry.[2] The favorable attitude of the government to new colonies was shown after 1768, when the Six Nations ceded at Fort Stanwix their title to the lands between the Ohio and the Tennessee.[3] The Lords Commissioners of Trade and Plantations recommended in 1773 the grant of a tract, comprising nearly the present West Virginia and an adjacent part of Kentucky, to become a colony called Vandalia.[4] Only the formalities of transfer remained when rebellion in America stopped the grant. Matters had gone far enough, however, to show England's plan to govern the West through great proprietary companies.

Whatever England's plan, there was no stopping the westward movement. The rapid extension of unlawful settlement beyond the mountains, before the war, in spite of British efforts to prevent it,

[1] *Annual Register*, VI., 211.

[2] Alden, *New Governments West of the Alleghanies*, 47; Franklin, *Works* (Sparks's ed.), IV., 233–241.

[3] *N. Y. Docs. Rel. to Col. Hist.*, VIII., 136.

[4] Franklin, *Works* (Bigelow's ed.), X., 367.

makes it certain that the westward movement would have continued,[1] gathering momentum with the years, had there been no Revolution and had there been endless laws to prevent it. The temptation to escape from the rented lands of the old provinces to the free lands bordering the "Western Waters" was too strong. Hardly had the treaty of Fort Stanwix been made, in 1768, before Daniel Boone sought "the country of Kentucke," and James Robertson, with his neighbors, leaving North Carolina, where they were dissatisfied with the government controlled by the merchants on the coast,[2] began the settlement of the lands on the Watauga, now in Tennessee. The region of Tennessee and Kentucky had no permanent Indian settlements because the Indians had reserved it as a hunting-ground. Thus it became a line of least resistance, while its fertility, pleasing climate, and numerous salt springs offered temptations to the home-seeking pioneer.[3]

Though the Watauga settlers were within North Carolina's territory, no civil organization was given them from that colony, and, since they were placed as nearly in the condition of "primitive man" as possible, the Presbyterian political philosophy of these Scotch-Irishmen impelled them to a social compact, an "association" to regulate their society.[4]

[1] Alden, *New Governments West of the Alleghanies*, 47.
[2] *N. C. Col. Records*, VIII., 652–654.
[3] Semple, *American Hist. and its Geographical Conditions*, 65.
[4] Turner, in *Am. Hist. Review*, I., 76.

Like the Pilgrim Fathers they were without formal laws and political institutions, and they made them. Their association was a temporary expedient, however, for on appeal their representatives were admitted, in 1776, into North Carolina's legislature, and their settlement organized as a county. Their compact idea did not die, however, but in 1780, when Robertson led his fellows farther west to Nashborough, delegates from the forts and stations thereabouts drew up similar documents to regulate their disputes.[1]

While Tennessee was passing into the white man's control, Daniel Boone and others were seeking to settle in the Kentucky region. They were delayed by the outbreak of a fierce Indian war, resulting partly from the delays in giving them the purchase-money for their lands, for what was to have been the Vandalia colony. They had observed the conflict between Pennsylvania and Virginia for the possession of the "Gateway of the West," at Pittsburg,[2] and, hoping for sympathy from Pennsylvania, they were on the verge of an outbreak, when in 1774 some lawless whites murdered the family of Logan, chief of the Mingos. As fast as this news spread the Indians swept to their revenge, driving back the invading Virginia settlers. "Dunmore's War," as it was called, because it seemed to have been precipitated by orders from Dunmore, the governor

[1] Roosevelt, *Winning of the West*, II., 342–348.
[2] *Ibid.*, I., 195–198.

of Virginia, was ended October 10, 1774, at Point Pleasant, on the Great Kanawha, when the Shawnee chief Cornstalk was defeated by Andrew Lewis.[1] Thereupon, the Indians nominally surrendered all of their lands south of the Ohio, thus opening Kentucky for the inrush of settlers.

In the following year, a company, organized under the leadership of Judge Richard Henderson, purchased from the Cherokees their lands between the Ohio, Kentucky, and Cumberland rivers, to be made the proprietary colony of Transylvania. James Harrod had already begun a settlement, and Boone, who had been sent ahead to blaze a trail when the success of the treaty seemed assured, began a fort to which Henderson's company came. To the men of the several settlements Henderson broached the matter of political organization.[2] "Members or delegates [should be elected] from every place by free choice of Individuals, they first . . . entering into writings solemnly binding themselves to obey and carry into Execution such Laws as representatives should from time to time make, concurred with by a Majority of the Proprietors present in the Country." The plan was liked, and the delegates assembled under a great elm in the open air to make their laws and their compact with

[1] Roosevelt, *Winning of the West*, I., 208, 209; Force, *Am. Archives*, 4th series, I., 1016, 1017.

[2] *Henderson's Journal*, quoted by Turner, in *Am. Hist. Review*, I., 79.

the proprietors. "All power is originally in the people," Henderson told them, and laws "derive force and efficiency from our mutual consent." There in the wilderness western democracy was taking its first political lesson.

The convention never met again, for Henderson's company was denounced by both Virginia and North Carolina, Governor Martin calling them "Land Pyrates." The proprietors sent a representative to Congress, hoping for support there — the first instance of the effort of the western settlers to free themselves from the control of the coast legislatures by getting the support of Congress in the organization of independent western states.[1] In this case the proprietors were the moving force; but later the democracy of the frontier sought like means to be freed from its political yoke-fellow, the aristocracy of the seaboard, in the hope to gain lighter taxation, self-government, and the ownership of the lands which they had won from the wilderness. Congress gave the proprietors no aid, Virginia annulled their title, and the settlers were left to their own devices. They sent representatives to the Virginia convention,[2] and in December, 1776, the assembly of that state organized the newly settled region into a Virginia county with the boundaries of the present Kentucky.[3]

[1] *N. C. Col. Records*, X., 324; Filson Club, *Publications*, No. 16, p. 224. [2] *Ibid.*, 241.

[3] Alden, *New Governments West of the Alleghanies*, 61.

Meanwhile the settlements in Tennessee nad grown so rapidly as to offend the Cherokees by their encroachments. This most powerful of the southern Indian tribes early took sides with the British and ravaged the southern frontier, invading Georgia and South Carolina in company with bands of Tories.[1] The Indians had not objected to the invasions of French traders, but these English colonists with their land-hunger and their permanent settlements for agricultural purposes aroused the redmen's hatred. Their attacks were repulsed, however, and their country devastated by Carolina troops, while James Robertson and John Sevier defeated their raid on the Watauga settlement in 1776,[2] and forced them to cede most of their claims between the Tennessee and the Cumberland. The Kentucky settlement was also secured by this victory.[3]

Kentucky and Tennessee thus became a great wedge driven into the Indian regions. Other bodies of western settlers were soon eager for organization. After the Declaration of Independence there was talk of new states in this region. About that time the people of the region about the head-waters of the Ohio, incorporated by Virginia as West Augusta County, but claimed by Pennsylvania, proposed either to petition Congress to settle the dispute or

[1] Roosevelt, *Winning of the West*, I., 273–275.
[2] *N. C. Col. Records*, X., 657–661; Force, *Am. Archives*, 5th series, I., 610, 974.
[3] Roosevelt, *Winning of the West*, I., 306.

to "colonize" themselves and send a delegate to Congress "to represent us as the fourteenth Link in the American Chain." The petition was sent, urging, as to the conflicting claims which troubled them,[1] that they were reluctant to "submit to the being annexed to or Subjugated by . . . any one of those Provinces, much less being partitioned or parcelled out among them." They declared—and it was the demand of democracy for local government—that they could never be "rich, flourishing, happy, or free" while depending for government upon a ruling body four or five hundred miles distant. They asked to be made independent as "Westsylvania," "the fourteenth Province of the American Confederacy," and empowered to make laws best adapted to their "local Circumstances." The whole matter, however, involved too much interference with the sovereignty of a state, and Congress would have nothing to do with it.

Though this and other attempts at western state-making during the Revolution came to naught, yet the propositions themselves have great significance. Petitions and memorials from the men of the West frequently urged Congress to exalt its powers, and take to itself the control over the western lands that had been the Crown's before independence. The West wished to strengthen the central government. The settlers, coming from many states, diluted the loyalty of the region to any one of the claimant

[1] Alden, *New Governments West of the Alleghanies*, 66.

states. Hence they appealed for support, not to any one of the jealous eastern governments, but to the Congress, as if it were a recognized national authority.[1]

It is doubtful, however, whether they were willing to give it national authority any longer than while it gave them the independent statehood which they had many reasons to desire. In the confused political state of the West, the settlers could not be sure to which state they owed allegiance. Land titles were doubtful, justice and military defence were tardy or failed altogether, and taxes were hateful where money was scarce and the pioneer fought his own battles unaided by the state.[2]

The frontier was not to be held without constant struggle, and though after the victory on the Great Kanawha, in 1774, there was comparative quiet in the early days of the Revolution, yet from both the north and the south of the great wedge that had been driven into the Indian country danger was soon lowering. From beyond the Ohio there came, early in 1777, raid after raid of the Indians, incited by Lieutenant-Governor Henry Hamilton, who commanded the British post at Detroit. Directed by his superiors, he had gathered large numbers of the northwest Indians, joining in their war-songs and dances and inducing them to relentless war upon the Americans.[3] Since he proportioned their rewards to the number of scalps they brought back,

[1] Turner, in *Am. Hist. Review*, I., 268. [2] *Ibid.*, I., 267.
[3] *Michigan Pioneer Collections*, IX., 346, 347, 482.

he earned the epithet of the "hair-buying general." The terrors of the savage invasion soon drove the heroic frontiersmen from their rude cabins and log forts, until, by the close of the year 1777, but a few hundred remained in all Kentucky.[1]

The greatest of these defenders of the frontier was George Rogers Clark, a daring hunter, skilled also in the use of chain and compass, and a born leader of such men as were now about him. To him came the idea of putting an end to these invasions by carrying the war into the enemy's country. Clark first learned from spies that the British were careless and the French creoles indifferent; they had transferred their allegiance to King George when France ceded the West to England, but in their backwoods hamlets they lived an easy life, asking only to be let alone socially, and caring little who was in political control. The fur-trading Briton was more welcome, however, than the land-winning American, and the French villages had become centres of British influence, where the French Canadians with their Indian wives helped to excite the savages against the American settlements.[2] Clark saw the necessity of controlling these rallying-points for war-parties, and against the log forts at Kaskaskia and Cahokia, on the Mississippi, and Vincennes, on the Wabash, he resolved to go, hoping to overcome the small creole garrisons and

[1] Roosevelt, *Winning of the West*, II., chap. i.; Thwaites, *How G. R. Clark Won the Northwest*, 10. [2] *Ibid.*, 17.

win these shifty allies of the British to the American cause.

Clark went to Virginia in the midsummer of 1777 and proposed to the governor, Patrick Henry, his scheme for capturing the British posts in the Northwest. The governor and others were taken with the plan, and Clark in secret instructions was given authority to enlist three hundred and fifty Virginians.[1] After meeting many difficulties due to the suspicions of Pennsylvania's sympathizers on the border, he succeeded, by May of 1778, in getting together one hundred and fifty volunteers. It was a rough lot, not free from outlaws from the East—"true patriots who left their country for their country's good"—but with a fair majority of brave-hearted home-defenders whose sincerity could be counted upon. All had confidence in Clark, and he was perhaps the only man on the frontier who could have made the expedition a success.[2]

Clark set out, May 12 1778, floating down from Redstone, in Pennsylvania, with a small fleet of flat-boats to Pittsburg, and down the Ohio to the "Falls." His goal was Kaskaskia, the principal British post in the Illinois country. Dropping down to the mouth of the Cumberland, he left the river and struck across country some one hundred and twenty miles, arriving before Kaskaskia on July 4.

[1] English, *Conquest of the Northwest*, I., 98.

[2] *Illinois Historical Collections*, I., 193, 194; Thwaites, *How G. R. Clark Won the Northwest.*

As they advanced for the attack they found the fort door open, and, rushing in, seized the astounded commander and overawed the garrison. The French creoles of the town were at first in distress with fright, but became reassured and took oath of loyalty to the United States, finding comfort, perhaps, in the news which Clark brought them of the alliance between the United States and France. The priest of the village, when he learned that his religion would be respected, gave great aid to Clark in getting volunteers, and went himself to Vincennes, persuading the inhabitants there to hoist the American flag.[1]

Clark's influence soon spread far and wide over the Indians as well as the whites, and after a few side expeditions to insure his control, he settled down for the winter at Kaskaskia. His position was difficult—much like that of a wild-beast tamer among brutes that are ever on the alert for any sign of weakness; but Clark kept a stout heart and remained the master.[2] The Spanish commandant, controlling upper Louisiana at St. Louis, showed Clark the utmost friendship, which had a very favorable effect upon the Indians by increasing their respect for the "Big Knife Chief."

General Hamilton, at Detroit, heard of all this, and, soliciting the aid of the Michigan and Wisconsin

[1] G. R. Clark's sketch, in *Ohio Valley Hist. Series*, No. 3, pp. 25–36; *Illinois Historical Collections*, I., 199–204.

[2] G. R. Clark's sketch, in *Ohio Valley Hist. Series*, No. 3, pp. 37–49.

Indians, organized a war-party and recaptured Vincennes.[1] In the spring he planned to retake Kaskaskia and then to destroy the Kentucky stations southward, thus wiping out all American settlement west of the Alleghanies. Clark was not the man passively to await his fate, however, and when he received definite news of the garrison at Vincennes, he determined to become the attacking party himself. He enlisted some of "the Principal Young Men of the Illinois," and with one hundred and seventy hardy American and French backwoodsmen set out in February across country for Vincennes, two hundred and thirty miles away. It was a fearful march over bogs and flooded lowlands.[2] Game was scarce and the men had no tents. As they neared Vincennes they were obliged to wade the "drowned lands," often neck deep in icy water, worn with fatigue and hunger, camping on a marshy hillock in drizzling rain to shiver without food or fire through the night, and then wallowing on, breaking the thin ice on the streams, and keeping up courage by song and threat and jibe.[3]

At last the town was seen. Clark craftily marched his men back and forth just within the edge of the wood to give the impression of great numbers. He then cowed the creole inhabitants with a bold

[1] *Michigan Pioneer Collections*, IX., 489 et seq.

[2] Moore, *Northwest Under Three Flags*, 232; *Illinois Historical Collections*, I., 246–253.

[3] Bowman's Journal, in *Ohio Valley Hist. Series*, No. 3, p. 99 et seq.

letter, which kept them neutral while he attacked the fort.[1] Hamilton was soon compelled to ask for a truce and then to surrender, thus yielding one of the most important British posts in the Northwest. Clark would have pushed on to capture Detroit also, but want of sufficient reinforcements compelled him to be content with holding Vincennes, Cahokia, and Kaskaskia.

These posts, however, were sufficient to insure the American hold upon the Northwest, until, in the peace negotiations of 1782, the military prowess of Clark was followed up by the diplomatic triumph of Jay. Although no mention of Clark's work is found among the papers of the diplomats, yet the fact of possession must have had weight. Few events have had a vaster influence upon the future of the nation than this expedition of Clark's. Not only did he secure the western gate of the republic, but he gained those western lands the ownership of which greatly advanced the idea of union, since there was a possession in which all of the states were interested.

The struggle for the West was not closed, however, for England's hopes were not yet extinguished, and Spain still had a covetous eye upon the domain between the Alleghanies and the "Father of Waters." When Spain was at last induced by France (1779) to unite in the war against England, she was allured by the hope of regaining Gibraltar and acquiring

[1] Bowman's Journal, in *Ohio Valley Hist. Series*, No. 3, p. 68; *Illinois Historical Collections*, I., 255.

the region drained by the eastern branches of the Mississippi. She united with France solely for her own interest, refusing to acknowledge America's independence,[1] or make a treaty with her except on the condition of her yielding to Spain the possession of the east bank of the Mississippi and the exclusive navigation of the river.

Upon declaring war against England, in May, 1779, Spain authorized her American governors to seize Natchez and the other British posts on the Mississippi. She did not mean to aid America in gaining the western country, but to wrest it from Great Britain for herself. Lord George Germaine foresaw the Spanish plan, and sent orders to General Haldimand, in Canada, to anticipate the hostilities of Spain by sending a force to reduce the Spanish posts on the Mississippi and to attack New Orleans.[2] Thus a line of communication might be maintained between Canada and the British military posts in Florida. General Campbell, who was stationed at Pensacola, was to come with his fleet and army up the Mississippi to Natchez, there to meet the Indian bands sent from the north, and with them drive the Spaniards from the lower Mississippi.[3] Clark meanwhile was to be "amused" by an invasion of Kentucky.

But for the energy and promptness of Galvez,

[1] Doniol, *Participation de la France*, III., 754.
[2] *Canadian Archives*, 1885, p. 276.
[3] *Michigan Pioneer Collections*, IX., 544.

the Spanish governor of New Orleans, success might have crowned this last concerted effort of the British to retain the West. Taking the offensive as soon as he learned that Spain and England were at war, he prepared to capture the British Mississippi posts. One after another he took (September, 1779) the forts at Manchac, Baton Rouge, and Natchez, and then, in the spring of 1780, he took Mobile and Pensacola.[1] He thus kept General Campbell too busy to give any aid to the party coming down from the north, and that expedition went to pieces before St. Louis, because of the unwillingness of the savages to attack a place that had been forewarned. The other force that was to create the diversion in Kentucky captured a few stations, and then retreated to Detroit just in time to escape Clark, who was in pursuit with a force which he had raised in Kentucky.[2]

Spain had rendered the Americans a great service by enabling Clark to hold what he had already conquered from the British, but she acted with no friendly intent, as her later movements were to show. Though she did not dare, while an ally of France, to attack the territory in Kentucky and Tennessee, where the American settlers were actually in possession, yet she did send an expedition, January, 1781, to capture St. Joseph, a Michigan

[1] Martin, *Hist. of Louisiana*, 227–229.

[2] *Michigan Pioneer Collections*, IX., 558, 559; Winsor, *Westward Movement*, 175.

fort in British hands.[1] The daring exploit was successful, and upon the temporary possession of this single post Spain was suspected of trying to build up a claim to the western territory north as well as south of the Ohio.[2]

The territory which Clark and his ill-disposed Spanish allies were conquering for the United States had both a beneficent and a malign effect upon the American union. The kindlier effect was the final one. At first, before the possession of the Northwest was even assured, there were bitter quarrels over its ownership. Six of the states could claim no western lands, but the rest claimed the lands stretching away to the Mississippi. South of the Ohio there was little dispute, but to the north there was endless conflict. Massachusetts and Connecticut claimed strips extending through the Northwest, and over them, like blankets, extended New York's claims, based on her protectorate over the Iroquois domain,[3] and Virginia's stronger claim, based on her early charter and now reinforced by the conquests of her commissioned officer George Rogers Clark.

The quarrel became still more complex when the Articles of Confederation were submitted for the approval of the states, and the landless states

[1] Mason, "March of the Spaniards across Illinois," in *Magazine of Am. Hist.*, May, 1886.

[2] Franklin, *Writings* (Sparks's ed.), IX., 206, 386; Wharton, *Dip. Corresp.*, V., 363, 364.

[3] *Regents' Report on the Boundaries of New York*, 65.

hesitated to agree to them because they feared the overweening influence which the great western domain would give to the states controlling it. New Hampshire, Pennsylvania, Rhode Island, Delaware, and New Jersey all hesitated, but Maryland alone held out until New York gave up her claims and the other states showed a willingness to do likewise. All land in the Northwest was finally ceded to Congress, and the members of the confederation felt a stronger bond of union because of their common interest in common property. Unity in the revolutionary period had been greatly aided by the previous colonial co-operation in regulating the frontier, and now to common interest was added common ownership.

CHAPTER XVI

FRENCH AID AND AMERICAN REVERSES (1778–1780)

WHEN France announced her alliance with America, in the spring of 1778, she expected, of course, the resentment of Great Britain and a consequent war, which, indeed, was contemplated in the treaty of alliance. France and America were to render each other mutual aid, and America's independence was to be the condition of peace. If the United States should seize the Bermuda Islands or the British possessions in North America, France would make no claim to them; but she was in turn to have the right to capture and hold any British islands in or near the Gulf of Mexico, and her existing holdings in America were guaranteed.[1] As events proved, the temptations thus offered her in the West Indies were to have an evil influence upon her effectiveness as an ally.

The French alliance brought to America that which was most needed—a sea power which would counterbalance that of England. "A decisive naval superiority is," Washington asserted, "the basis

[1] *Treaties and Conventions* (1889), 308.

upon which every hope of success must ultimately depend." [1] The American armies could do nothing final so long as it was possible for British ships to bring unlimited supplies to the British armies, or, like guardian genii, pick them up and carry them off oversea when they were too hard pressed by the Americans on land. Congress had very early tried to provide for a navy,[2] but time and money were both wanting, and meanwhile England reaped the advantage of her undisputed sea power. The ocean was abandoned to her, except for a cruising warfare which was chiefly carried on by American privateers.

It was mainly in commerce-destroying that America figured at that time upon the seas. Franklin wrote from France, in February of 1777: "That which makes the greatest impression in our favor here is the prodigious success of our armed ships and privateers. The damage we have done their West India trade has been estimated . . . by the merchants of London at £1,800,000 sterling, which has raised insurance to twenty-eight per cent., higher than at any time in the last war with France and Spain." Indeed, he thought the delay of the French government in making an alliance was not without its advantages.[3] "In the mean time America has the whole harvest of prizes made upon

[1] Washington, *Writings* (Ford's ed.), Memorandum (dated July 15, 1780), 345; Mahan, *Influence of Sea Power*, 346.

[2] *Journals of Congress*, October 13 and 30, and December 14, 1775.

[3] Wharton, *Dip. Corresp.*, II., 262, 311.

British commerce." America, however, not only preyed but was preyed upon. For the six hundred vessels that her cruisers took before the French alliance she paid nine hundred vessels that fell prey to British cruisers. The New England coasting trade and fisheries were nearly ruined, and with the growth of privateering a spirit of gambling took the place of sober business ventures.[1] The "militia of the sea" showed in actual warfare many of the limitations which Washington discovered in the land militia, and it had little effect upon the general issue of the war.

With high hopes, therefore, Washington learned of the French alliance, for he might now expect aid from a large and disciplined navy. The British, too, saw the new possibilities, and, after evacuating Philadelphia because of the fear that they might lose control of the Delaware,[2] they concentrated at New York to repel a possible French attack by sea. A French fleet of six frigates and twelve ships of the line, under Count D'Estaing, had in fact left Toulon early enough to have intercepted the British squadron, but the French voyage had been very slow, and the fleet arrived, July 7, off the Delaware capes, fully ten days after Lord Howe had sailed out on his way to New York.

Disappointed there, D'Estaing sailed to Sandy Hook, where, in an interview with Washington's aids,

[1] Weeden, *Econ. and Soc. Hist. of New England*, II., chap. xx.
[2] Mahan, *Influence of Sea Power*, 359.

he planned to attack the weaker British fleet in the harbor. The opportunity of entrapping the British army in New York was unique. D'Estaing, however, was discouraged by his pilots about crossing the harbor bar with his largest ships, and, evidently with Washington's approval, changed his plan,[1] and turned away from his almost certain prey to attempt the capture of Newport, where the British had kept a strong force since its seizure in December, 1776.

All New England was aroused by this prospect of capturing the British at Newport. The militia turned out in such numbers that, with the one thousand five hundred regular troops under Greene and Lafayette, sent by Washington, a force of nine thousand men was gathered under Sullivan,[2] which, with D'Estaing's fleet and four thousand French regulars, might reasonably hope to capture the British garrison of six thousand men. After the French arrived, however, and all was ready for the assault, the somewhat strengthened British fleet under Lord Howe arrived from New York. D'Estaing re-embarked his troops and stood out to sea. For two days the hostile fleets manœuvred for advantage, when a terrific gale dispersed them. Nine days later, D'Estaing rallied again off Newport, but in spite of every entreaty he sailed to Boston for repairs, taking his four thousand men

[1] Washington, *Writings* (Sparks's ed.), VI., 9–12.
[2] *Ibid.*, 28–37; Greene, *Life of Greene*, II., 113–128.

and leaving the discouraged militia to disband in disgust.[1] The whole enterprise was thus ruined and the distrust of the French alliance was augmented. In Boston and Charleston, racial hate was shown in riots and murderous attacks of Americans upon the French sailors.

This lack of confidence was unreasonably increased when D'Estaing, having refitted his ships, sailed away for the West Indies. His activity there was not without benefit to the American cause, for the British were obliged to weaken their force at New York in order to cope with the dangers threatening their West Indian possessions. Nevertheless, while D'Estaing was trying to conquer Santa Lucia, St. Vincent, and Grenada,[2] the English, thus left in control of the seas along the American coast, took the opportunity to shift the war to the southern states. Rebellion seemed to have a weaker hold there than in New England,[3] and, since the extreme south was a thousand miles distant from Washington's main army, little relief could be sent thither.

After the repulse of the British at Charleston in 1776, the south had been left alone except for frontier skirmishing between Florida and Georgia, where loyalist refugees aided the British regulars stationed in Florida by making incursions and carrying off

[1] Greene, *Life of Greene*, II., 125–141; Doniol, *Participation de la France*, III., 337–354, 371–394.

[2] Mahan, *Influence of Sea Power*, 365–375.

[3] McCrady, *South Carolina in the Revolution*, 284.

the negroes from Georgia plantations. When General Robert Howe, who was in charge of the patriot southern army, attempted to carry the war into Florida, he was forced by camp diseases to retreat to Savannah, where he was at once attacked by Colonel Campbell with three thousand men, who had just arrived in a British fleet from New York. Howe was compelled to surrender Savannah, December 29, 1778, and when General Prevost, coming up from Florida, captured a patriot garrison at Sunbury, and Campbell took Augusta, the state of Georgia was fairly reported as conquered.[1]

General Lincoln now superseded General Howe in command of the southern department. While he was trying to strengthen his army, General Moultrie repulsed a British attack on Port Royal, and Lincoln felt warranted in assuming the offensive. He sent one thousand five hundred men against Augusta, but they were disastrously defeated at Briar Creek (March 3, 1779), and thereupon the British established Sir James Wright in his former office as royal governor.[2] Lincoln, still hoping to retrieve the state, advanced upon Augusta himself, leaving Moultrie to defend the lower Savannah, but General Prevost, with a greatly superior force, drove Moultrie from the river, and marched upon Charleston. His force consisted chiefly of American refugees, whose bitter hatred of their rebellious coun-

[1] Stevens, *Facsimiles*, Nos. 1246, 1247, 1251.
[2] *Ibid.*, Nos. 1270, 1274.

trymen showed itself in wanton devastation of the rich region through which they passed.[1]

Arriving before Charleston, Prevost demanded its surrender, proposing that South Carolina should preserve neutrality during the rest of the war.[2] There was much division of sentiment within the city, for South Carolina seemed to have been abandoned by Congress; but the overtures were at last rejected, and Prevost, fearing the result of an assault, and alarmed by the approach of Lincoln, retreated into Georgia. He left a detachment at Beaufort, however, which gave him a foothold in South Carolina, and his threat had forced Lincoln to give up his plans, so that the advantage of the campaign was with the British.

John Rutledge, the patriot governor of South Carolina, now appealed by letter to D'Estaing,[3] who had not made a brilliant success of his West Indian campaign, urging him to aid the southern army in driving the British from Savannah. Though under orders to return to Europe, the French admiral sailed for the coast of Georgia, taking the English at Savannah quite unawares (September 1, 1779). Again, however, he dallied too long with preparations, until the danger of autumnal gales caused him to urge upon General Lincoln an assault, which,

[1] Stevens, *Facsimiles*, No. 2016; McCrady, *South Carolina in the Revolution*, 392–395.

[2] Stevens, *Facsimiles*, No. 2016; McCrady, chap. xvii.

[3] Doniol, *Participation de la France*, IV., 256.

valiant and desperate as it was, met with defeat. Count Pulaski was slain and the French admiral severely wounded.[1] Angry recriminations followed between the Americans and their French allies, and then D'Estaing sailed away to Europe and Lincoln retreated to South Carolina.

Meanwhile, at the north, Sir Henry Clinton had been kept aware of Washington's vigilance by two famous exploits, which had little military significance, but which were not without a moral effect. Anthony Wayne, in a midnight attack (July 16, 1779), captured Stony Point, a fort held by the British dangerously near West Point, the chief defence of the upper Hudson. The fort was immediately evacuated, but the daring attack, together with another assault led by Major Henry Lee upon Paulus Hook, a fort on the present site of Jersey City, took away Clinton's sense of security and disarranged his plans.[2] He did nothing more until he learned that the French fleet had left the American coast. In order to send a large force south, he had withdrawn the British garrison at Newport, because he dared not weaken the defences of New York which Washington constantly threatened with a cordon extending from Danbury, in Connecticut, to Elizabethtown, in New Jersey. Late in December, 1779, Clinton and Cornwallis sailed with seven thou-

[1] Mahan, *Influence of Sea Power*, 374, 375; Georgia Hist. Soc., *Collections*, V., pt. i.; Stevens, *Facsimiles*, No. 2010.

[2] Johnston, *The Storming of Stony Point*, 85, 94, 95.

sand six hundred men to capture Charleston, South Carolina.[1]

For the defence of the threatened state, General Lincoln had two thousand five hundred regulars and about five hundred effective militia,[2] even after Washington had sent him every reinforcement he dared. He was soon besieged by Clinton's force, strengthened by Prevost's Georgia army and by some three thousand men under Lord Rawdon ordered from New York for this attack. Such an overwhelming force might have warned Lincoln to abandon the city and save his army, but he made every preparation for defence, and then, when the city was encircled by the British army ready for an assault, he surrendered. Two thousand five hundred Continental soldiers became prisoners of war,[3] while the militia and all male citizens were paroled. The whole state was soon overrun and brought into military subjection. It was a terrible disaster. In England America was looked upon as overwhelmed at last.

There were, indeed, strong reasons for believing that the Carolinas and Georgia were finally cut off from the American confederacy. Ill feeling was rife among former southern patriots, due to the

[1] Fortescue, *British Army*, III., 306; *Beatson's Memoirs*, VI., 204.

[2] Winsor, *Narr. and Crit. Hist.*, VI., 525; McCrady, *South Carolina in the Revolution, 1775–1780*, pp. 507–510.

[3] Hough, *Charleston*. 198; Almon, *Remembrancer*, X., pt. ii., 41–52.

strong suspicion that Congress was ready to desert them, and in truth there was a party in Congress ready to purchase peace by the sacrifice of all the region south of Virginia.[1] There was great wrath over the inadequate aid that Congress had sent to the south. Numbers of the inhabitants of Charleston came to the British authorities asking to be regarded as loyal subjects of the king. Two hundred citizens, chiefly Scotch merchants, drew up an address congratulating Clinton upon his success.[2]

The majority of the original leaders of the revolutionary party in South Carolina were dead or in prison, the party was broken up, and John Rutledge alone kept alive in his own person a spark of the revolutionary power.[3] There never had been any real unanimity in the state. Among its leading families, English or Huguenot, hardly one was not divided between the patriot and the loyal cause. In the middle classes there were many discordant elements — Quakers and Germans who were apathetic, Scotch-Irish farmers who were Whigs, and recent Scotch emigrants who were Tories. The loyal elements had been held down before this successful invasion of Clinton, but now they came crying for revenge. As if to whet them on, Clinton issued a most injudicious proclamation.

Up to the time of issuing this fatal order all had

[1] Washington, *Writings* (Sparks's ed.), VII., 92, 93.
[2] Almon, *Remembrancer*, X., pt. ii., 83.
[3] McCrady, *South Carolina in the Revolution, 1775–1780*, 534.

seemed favorable to the re-establishment of the royal government; the proffered terms of peace had been generally accepted by the people. Now, in effect, the people of the state were required to take an active part in setting up the fallen royal government.[1] Every man must declare his support or hostility to the British cause. Many who would gladly have remained neutral now chose fighting with their American friends to taking active part with their British enemies. They were outraged, too, by the British rapacity for plunder, and the loyalist thirst for revenge. British detachments sent through the country to enroll a loyal militia began to meet resistance. Though the patriots could make no organized opposition to the British forces, yet, in small bands issuing from the woods and the mountain valleys, they made desperate attacks upon the British and their loyalist allies. Their most famous leaders in this partisan warfare were Andrew Pickens, Francis Marion, and Thomas Sumter.[2] "But for Sumter and Marion," Cornwallis declared, "South Carolina would be at peace." Although there were no Continental troops or officers in the state, the whole frontier was soon ablaze. The people themselves had arisen and attacked the British outposts.

[1] Ramsay, *Revolution in South Carolina*, II., 114; Almon, *Remembrancer*, X., pt. ii., 82.

[2] For accounts of the partisan leaders, McCrady, *South Carolina in the Revolution, 1775–1780*, chap. xxvi.

Congress did not, however, abandon South Carolina. Baron de Kalb had, in fact, been sent south with some two thousand men, before the fall of Charleston; and at Hillsborough, in the northwestern part of North Carolina, was awaiting the co-operation of the state militia, when the news of Lincoln's disaster reached the north, and the people demanded that Gates, "the hero of Saratoga"—then in retirement—be sent to retrieve the south. Congress yielded to the demand, though Washington wished to send Greene, and Gates hurried to Hillsborough to take command of an army that needed everything, but most of all a judicious leader, which Gates was not.

The British could hardly be driven from the chief strategic points on the coast—Charleston, Beaufort, and Savannah—but the inland post at Camden, where centred all of the principal roads from the north, might be taken, and the British thus compelled to yield the interior. Gates, however, chose the least advisable road for his advance, failed to attack Lord Rawdon at the favorable moment, detached some of his best troops at the last hour, and finally, in the most unfavorable time, when his troops were exhausted and ill from the effects of the badly managed march, he was driven, August 16, 1780, near Camden, to attack the well-disciplined British forces under Rawdon, and Cornwallis, who had arrived with his staff. The American army was not only disastrously but

ignominiously defeated.[1] Baron de Kalb was killed, and Gates's flight to Hillsborough without his army became a theme for ridicule throughout America. The loyalists especially rejoiced, for the forces under Tarleton and Rawdon, which had won the victory, were chiefly loyal troops.[2]

Tarleton followed up this success by overtaking and capturing Sumter's force. The cloud that settled over the American cause was lifted but slightly by two victories won by the Whig leaders Williams and Marion. Gates could get together no adequate army at Hillsborough, Washington could spare no more troops, and yet Cornwallis was preparing for the conquest of North Carolina, with no one there to oppose him.

Before the end of the year 1780 there came one cheering victory. When entering upon the conquest of North Carolina, Cornwallis detached Colonel Ferguson, next to Tarleton the best of his partisan officers, to enter the South Carolina highlands, enlist such Tories as he might find, and rejoin the main army, which would meanwhile have advanced to Charlotte, North Carolina.[3] As Ferguson with a thousand Tories and a few British infantry penetrated the hills of the back country he was surrounded by ever-growing bands of frontiersmen,

[1] Fortescue, *British Army*, III., 316–319; Almon, *Remembrancer*, X., pt. ii., 267–269.

[2] Van Tyne, *Loyalists*, 186; Tarleton, *Campaigns of 1780, etc.*, 139, 148–151.

[3] Almon, *Remembrancer*, XI., pt. i., 146.

partly from settlements west of the Alleghany Mountains, and after endeavoring to escape he made a stand on the top of King's Mountain. From that position, with a characteristic Tory sentiment, he challenged "all the rebels outside of hell" to dislodge him. It seemed as if most of them were there when the attack began, October 7, from behind every tree on the mountain-side. No human heart could stand the steady, ruthless advance of those Indian hunters, and when at last Ferguson himself was killed a white flag was raised, and over seven hundred Tories surrendered as prisoners of war, while the rest lay dead or wounded on the field.[1]

The effect of the defeat was to compel Cornwallis to retreat from North into South Carolina to await reinforcements; but, since none could foresee the good-fortune that was in store for the American arms in the coming year, the brilliant victory of the backwoodsmen did little to raise the depressed spirits of the Americans. Never were American affairs blacker than during the year which preceded the surrender of Cornwallis. Even Washington had "almost ceased to hope." The Articles of Confederation had not yet been accepted by all the states, and the power of Congress was declining, as Washington said, "too fast for . . . consideration and respect."[2] None looked to Congress, but to the respective states. "I see one head

[1] For full details, see Draper, *King's Mountain and its Heroes*.
[2] Washington, *Works* (Sparks's ed.), VII., 58, 68.

gradually changing into thirteen," wrote Washington, "I see one army branching into thirteen." At the best there was one weak administration and thirteen ill-natured critics.

The wretched financial expedients to which Congress had naturally been driven grew worse with time. From the issues of paper money, unsuccessful domestic loans and precarious foreign loans, Congress turned to requisitions upon the states—at first for money to be raised by state taxes, and then for specified supplies.[1] The loan offices set up throughout the colonies had yielded little at first, but after the loans from France were used to pay the interest on the home debt the subscriptions increased—especially in Continental currency, of which men thus rid themselves. The foreign loans were the salvation of the cause; but Congress nearly put an end to the supply of golden eggs by drawing without warning upon their ambassadors and authorizing loans far in excess of available sources. During the war there came from that source over $7,000,000 in real money, which had as much purchasing power as the $63,000,000 in paper money loaned by Americans.[2]

As for the state requisitions, they proved a slender resource. The local taxing systems were not suited to such a crisis, and the states only

[1] *Journals of Congress*, January 14, 1777, et seq., November 4, 1780.

[2] Sumner, *Financier of the Am. Rev.*, I., 173, 288; Dewey, *Financial History of the United States*, 46, 47.

issued paper money of their own, which helped ruin that of Congress. When they noticed the requisitions at all they usually paid in paper. Why tax when the printer could turn out bushels of money? Such money would stay in the country, too, for none would carry it away. Failing to get the needful aid in this manner, Congress, November 4, 1780, asked the states to give their quotas in flour, hay, and pork, a system of "donations" which, because of poor organization in the assessment and inefficient subsistence officers, resulted in vast waste and bitter dissatisfaction. To save his starving army, Washington was obliged to levy on the surrounding country, and pay in commissary certificates.[1]

As the issues of paper money continued to depreciate, Congress issued increased amounts, meanwhile urging the states to come to the rescue. In a letter to the American people, in 1779, it urged their responsibility, and asked the states to make the Continental paper legal tender, a request with which they readily complied. At last, in March, 1780, bankruptcy was confessed by the passage of the "forty-to-one" act—a plan to redeem outstanding Continental bills at one-fortieth of their face value.[2] This only aided their depreciation, and, amid a financial "reign of terror," with laws restricting prices and legal-tender laws, the irritation of the people knew no bounds. Congress tried to fix the rate of

[1] Washington, *Writings* (Ford's ed.), VI., 281.
[2] *Journals of Congress*, March 18, 1780.

depreciation, but in vain. Prices took on a ridiculous aspect. The impecunious Samuel Adams could wear a suit of clothes and a hat which cost him two thousand dollars — in paper money. The tea on which he had refused to pay a threepenny tax per pound now cost him ninety dollars per pound. By the spring of 1781, credit was prostrate and the paper money had ceased to pass, except as bought and sold for speculation—five hundred to one thousand dollars selling for one of gold.

In Washington's army the men—alternately without bread or meat—"were half-starved, imperfectly clothed, riotous, and robbing the country people . . . from sheer necessity." Desertion was continual, from one hundred to two hundred men a month going over to the enemy.[1] The terms of half the army would expire at the end of the year, and then the mere "shadow of an army" would remain. Enormous bounties were of no avail, for the states offered more, and the offer was at best a mere pittance when translated into its real money value. Only a miracle, thought Washington, could keep America from the humiliation of seeing her cause upheld solely by foreign arms.[2] Throughout the land there was a weariness of war, a desire for peace at any price.

In 1780, while the country was in this state of de-

[1] Washington, *Writings* (Sparks's ed.), VI., 441; *N. Y. Docs. Rel. to Col. Hist.*, VIII., 800.

[2] Washington, *Writings* (Sparks's ed.), VII., 159.

jection, the startling news of Benedict Arnold's treason spread through America. The traitor's distinguished services up to the time that he was wounded at Saratoga have been related. Congress gave them little recognition, and Arnold felt the neglect sorely. In 1778, when the British evacuated Philadelphia, Arnold was placed in command of that city, because his wound kept him from active campaigning. He met there and married Margaret Shippen, a beautiful woman from one of the leading Tory families of the city. Thenceforth he mingled in Tory society and made enemies among the Whigs. He lived at great expense, speculated, and was charged with corrupt dealings in his office. A committee of Congress examined and exonerated him, but Congress ordered him court-martialled, a tedious affair that kept Arnold in suspense for a year.[1] The grave charges were disproved, but for some petty irregularities a reprimand was ordered, which Washington turned into a eulogy.

Congress, meanwhile, had refused to allow some claims connected with the Canadian campaign, and Arnold was ruined financially. He thereupon entered into correspondence with Sir Henry Clinton, and ultimately determined to betray the American cause—to become, as he hoped, the Monk of the American Revolution. Washington had perfect

[1] *Proceedings of a General Court-Martial for the Trial of Major-General Arnold;* Washington, *Writings* (Sparks's ed.), VI., 514–530.

confidence in him, and when Arnold asked for the command of the post at West Point he received it at once, though it was the key to the whole American position.[1] To get the details of the surrender which Arnold now promised, Clinton sent Major André in the sloop *Vulture* to West Point. Though technically he did not come as a spy, yet when the meeting took place an unfortunate chain of circumstances caused him to enter the American lines with Arnold, and, since he knew that Arnold was a traitor, the object of his visit was foreign to flags of truce. When, therefore, he was captured while returning by land with Arnold's passport, he was condemned by court-martial to be hanged as a spy.

The papers found upon André's person were sent to Washington, but through a misunderstanding a note was also sent to Arnold which apprised him of the capture, and enabled him to escape to the *Vulture*, which was still waiting on the Hudson for André. Washington was greatly shocked by the discovery, exclaiming, "Whom can we trust now?" [2] That was, indeed, the worst feature of Arnold's treason. Much might be said for his right to change his mind when the purpose of the war had changed. When America was no longer fighting for self-taxation and constitutional liberty, but for independence, and that, too, in a hateful alliance with France, he

[1] Washington, *Writings* (Sparks's ed.), VII., 139.

[2] For much material on this subject, see *ibid.*, VII., App., No. vii.

might, with many others, have deserted the cause; but nothing could gloss over his violation of the faith which Washington had put in him. Because of that his character is, as Franklin said, "on the gibbet, and will hang there in chains for all ages."

CHAPTER XVII

EUROPEAN COMPLICATIONS AND THE END OF THE WAR

(1779–1781)

WHILE American affairs were apparently becoming more hopeless, a coalition was forming against England, destined finally to break her spirit and compel her recognition of American independence. For some time it had been plain that the future of America was in the hands of foreign diplomats, and must be secured in European courts rather than upon American battle-fields.[1] Vergennes had no sooner made his treaty with America, in the spring of 1778, than he again set himself to secure the long-sought alliance with Spain, whose naval aid he felt to be absolutely essential to a successful issue of a war with England.

Though France and Spain were united by the Family Compact and by the fact of their common adherence to the Catholic faith, yet the interests of the two monarchies clashed in matters of commercial policy. Spain upheld the old monopoly

[1] See B. F. Stevens to Frelinghuysen, in *Senate Misc. Docs.*, 48 Cong., 1 Sess., No. 84.

system, while France, almost deprived of colonies, could get a fair share of the world's trade only by the overthrow of that system. Nevertheless, Spain, as well as France, hated England, who had destroyed her sea power, robbed her of Jamaica, the Floridas, and Minorca, and on Spain's very shores had established herself at Gibraltar. But what England had done independent America seemed to threaten to do. Even if the new states should not in the future actually seize upon Spain's American colonies, their example of successful revolt would form a dangerous precedent.

The one great temptation for Spain was the hope of regaining Gibraltar, and she first sought a cession of that from England as the price of peace. When that manœuvre failed, the Spanish minister, who had been greatly angered by France's treaty with America, turned again to Vergennes, and offered alliance on terms that would almost ruin America's future[1]—asking for Florida, the lands along the Mississippi, the exclusive navigation of that river, and even a peace in which the British should be left in control of Rhode Island and New York, thus sowing seeds of future strife between England and America.

Though Vergennes would not listen to terms that would violate his pledged word with America, yet he did not hesitate, while trying to coax Spain into an alliance, to insinuate that France had guaranteed independence only to the thirteen rebellious states

[1] Doniol, *Participation de la France*, III., 293.

and not to the unrebellious parts of America.[1] He said, and no doubt frankly, that he had no desire to see the United States mistress of America. He hoped for several confederations in America—not one. Canada must remain with England, and if Spain could get Florida, America would not be formidable,[2] especially, Vergennes hinted, if Spain would seize this opportunity to conquer the lands to the east of the Mississippi. In fact, Vergennes went so far as to urge upon the American Congress the desirability of placating Spain by letting her have the western lands, warning them that France would not prolong the war a single day to procure them for America.[3] He found, too, that the representatives of the smaller states—Rhode Island, New Jersey, and Delaware—who had nothing to lose, were quite willing to limit the United States to the Alleghanies. There was strong opposition to these compliant views,[4] however, and though Vergennes continued to present the Spanish idea to Congress for some time after he had secured Spain's alliance, yet he was careful not to antagonize America by insistence.

The wished-for treaty between France and Spain was concluded April 12, 1779, with the aim of invad-

[1] Vergennes, October 30, 1778, in Doniol, *Participation de la France*, III., 561.

[2] Doniol, *Participation de la France*, III., 236, 561; Circourt, *Histoire de la France et de l'Amérique*, III., 283, 284.

[3] Gérard to Vergennes, January 28, 1779, in Circourt, *Histoire de la France et de l'Amérique*, III., 264–266.

[4] *Ibid.*; Doniol, *Participation de la France*, IV., 620.

ing England, and recovering Minorca and the Floridas.[1] It bound both powers not to make peace until Spain regained Gibraltar. To America this agreement seemed inconsistent with its convention with France, in which neither could make peace without the other's consent, for America was not bound to help conquer Gibraltar, if England should grant American independence before that conquest was accomplished. There was much indignation in the United States, especially in New England, which was also offended by the French and Spanish agreement to share the Newfoundland fisheries, to the exclusion of other nations, if they could conquer that island.

Congress fumed for a while; but as American affairs grew more desperate they became so eager for a treaty with Spain that, February 15, 1781, when the war had the gloomiest aspect, they instructed Jay, who had been sent to negotiate with Spain, to agree to give up the free navigation of the Mississippi below the thirty-first degree of latitude, and later even suggested giving up the back country.[2] Jay never revealed these instructions, and Spain fortunately never entered the French and American alliance — a fact which made necessary a modification of the terms that America had made with France, much to America's advantage.

[1] Doniol, *Participation de la France*, III., 803.

[2] *Secret Journals of Congress. Foreign Affairs.* February 15, 1781, June 15, 1781.

Though America's friends were not increased by the alliance between France and Spain, yet England's enemies were multiplied and new dangers were looming up. America went "suitoring" after alliances everywhere, sending Ralph Izard to Tuscany, Francis Dana to Russia, Arthur Lee to Prussia, William Lee to Vienna, and Henry Laurens to the Netherlands, and, though they accomplished little, England in her own way was making enemies of all the courted powers. Her arbitrary exercise of the right of searching vessels on the seas was exciting the wrath of the neutral nations, although she was acting quite within the limits set by the recognized international law of the time.

At the opening of the American Revolution, no authority on maritime law demanded more protection to neutral ships than that provided by the mediæval sea code, the *Consolato del Mare*, which recognized a belligerent's right to seize his enemy's goods but not the neutral vessel upon which they were carried.[1] England as a great naval power was disposed to hold to the established rule; but since she could damage nations which had many merchantmen and few war-ships more than they could damage her, they now began to assert that neutral ships protected all goods on board—"free ships make free goods," as the phrase ran. The humanitarian spirit of the time accorded with this principle;[2]

[1] Travers Twiss, *Law of Nations*, 146, 147.
[2] Fiske, *American Revolution*, II., 142.

the interests of peace were recognized as paramount and permanent; the area and influence of war must be limited. The benevolent despots Frederick the Great and Catharine II. became interested in this as well as the commercial phase of the issue. Since England was not only desirous but hopeful of an alliance with Russia, the attitude of Catharine had great weight. In 1781, England went so far as to offer Catharine the island of Minorca, which with Gibraltar had made Great Britain mistress of the Mediterranean.

Against this consummation worked Frederick the Great, who had been deserted by England in 1761, and who had never forgiven her "duplicity." Though he hated England he did not wish to become her open enemy. For the Americans he had no sentimental friendship. He was indifferent to their independence. He permitted them to buy arms in Prussia, but they only made a bargain greatly to their loss. He refused to allow the German mercenaries to cross his dominions, but not from any sympathy with America. When Lee sought to open Prussian ports to American vessels, Frederick merely instructed his minister to put Lee off "with compliments." A little good advice and information were drawn from the king, but his greatest aid was indirect and due to coincident interests.[1] This came about through his relations with France and Russia. The European situation was such that he

[1] Haworth, in *Am. Hist. Review*, IX., 460, 461, 469, 477.

needed French friendship. He encouraged France's desire to humble England by assuring her of his neutrality.[1] In Russia he opposed the English, and his friendship with Count Panin, to whom Catharine largely left her foreign affairs, gave him great influence. He as much as any one brought Catharine to head an armed neutrality, which was formed in 1780 to enforce the doctrine that free ships make free goods.

In 1778, France, upon opening the war with England, had tried to protect her own commerce by adopting the new doctrine—"free ships make free goods." Catharine was asked to head a league to protect neutral commerce, but she delayed, and neutral commerce with France suffered greatly, especially that of the Netherlands. Finally, when some French ships were actually seized and condemned by a British court of admiralty, France appealed to Russia. Fortunately for her, Russia about the same time was outraged, too, by the seizure of two Russian vessels by Spanish cruisers. Catharine at once took measures to protect her commerce against the belligerents. Here Frederick interceded with France to influence Spain to apologize, which it did, and war between Russia and Spain was averted.[2]

When Catharine proclaimed her new maritime code (March 8, 1780) Frederick influenced France

[1] Circourt, *Histoire de la France et de l'Amérique*, III., 98–128.
[2] *Ibid.*, 476.

and Spain to acquiesce. Denmark and Sweden arranged with Russia for mutual protection of their commerce, and their agreement was known as the "Armed Neutrality."[1] One after another the Netherlands, Prussia, the German Empire, and three minor powers entered the league, which the United States also accepted. Though England's navy was stronger than the combined navies, yet her desire to conciliate Russia made her wary of giving offence.

The enforcement of the new code lessened England's power to damage her enemies, chiefly because of the protection afforded to the great carrying trade of the Netherlands, but England soon found a way to obviate that evil. If she could not attack the Dutch while they were neutral, she would make them vulnerable as open enemies. It would not do to declare war upon them *because* they had entered the league of the Armed Neutrality, but a well-developed quarrel already existed, so that a very slight incident made an excuse for war.

The quarrel began in treaty obligations violated by both powers, Holland refusing to aid England—as she was bound by treaty—in her war with France and Spain, and England refusing to allow Holland's commerce with the enemy, as had been provided by the treaty of 1674.[2] This ill feeling was aggravated by the conduct of Holland in sheltering Paul Jones,

[1] *Annual Register*, XXIII., 347–354 (1780).
[2] Jenkinson, *Collection of Treaties*, I., 191, 202.

the most daring and energetic of America's seamen. Jones had been the first to raise an American flag on an American man-of-war. In 1777 he was given command of the ship *Ranger*,[1] and in the spring of 1778, off the Irish coast, took the *Drake*, a British man-of-war, making also a rather piratical attack upon the town of Whitehaven on the English coast. He took his capture into a French port, and began a most tedious negotiation with the French government to secure aid that would place under his command a squadron strong enough to do the enemy some serious damage.

At last, in 1779, he was given five vessels, of which the flag-ship was the famous *Bon Homme Richard*. With the most motley and insubordinate crews and commanders, Jones set out and spent the summer cruising on the British coast, terrifying the inhabitants, and taking many prizes. Late in September, near the mouth of the Humber, he intercepted a British merchant fleet convoyed by the men-of-war the *Serapis* and the *Countess of Scarborough*. After a desperate fight of nearly three hours the *Richard* overcame the *Serapis*. Both ships were nearly destroyed. The *Scarborough* was taken by the *Pallas*, though the rest of Jones's fleet had given no assistance.[2] The American commander now sailed with his prizes into a Holland port, and the

[1] Buell, *Paul Jones*, I., 48; *Journals of Congress*, June 14, 1777.

[2] Wharton, *Dip. Corresp. of Am. Rev.*, III., 309, 376, 380.

Dutch were so sympathetic with the American cause that, in spite of the British demand that he be given up, he was sheltered ten weeks before being ordered to leave. Jones escaped to France, but the British government declared that Holland's conduct in this and other matters abrogated all treaties between the two countries.[1]

At this juncture the British captured Henry Laurens, making his way on an American packet to Holland to negotiate a loan. Among his papers was a draft of a projected Dutch-American treaty, signed by an American agent and the chief magistrate of Amsterdam. The British demanded of the States-General the disavowal of the action of the magistrate and his "exemplary punishment," as a violator of the law of nations. The disavowal was made, but the States-General could not constitutionally punish the Amsterdam magistrate,[2] and their failure gave the British government an excuse to declare war and withdraw its ambassador. Before he left, two hundred Dutch ships had been seized in British ports and on the high sea, with cargoes worth fifteen million florins. Though Holland's accession to the Armed Neutrality was the real reason for England's making war upon her, and the Laurens affair only a pretext, yet when Holland asked

[1] Wharton, *Dip. Corresp. of Am. Rev.*, III., 396, 398; *Annual Register* (1780), 342–346.

[2] *Ibid.*, 357–378; Hansard, *Parliamentary Hist.*, XXI., 978, 979; Jameson, in *Am. Hist. Review*, VIII., 697.

Russia's assistance Catharine preferred to believe in the British explanation of the cause of the war, and Russia remained neutral.

England was now at war with America and the three greatest naval powers, after herself, in the world. A few months after the French and Spanish alliance was made (August, 1779), the fleets of the two nations entered the British channel, meeting little opposition and creating terror in England; but dissensions between the allies turned the whole affair into a gigantic fiasco. Spain, thereupon, bent all her efforts upon the blockade of Gibraltar, which was hard pressed, until it was relieved early in the following year by Sir George Rodney,[1] whose services had just been restored to England by a French nobleman, who chivalrously paid his debts so that he dared return to his native land. At once he received a command with which he speedily relieved Gibraltar, and thereupon sailed for the West Indies. He there attacked the French admiral, the Count de Guichen, and, though he failed to defeat him, yet he kept him from going to New York to aid Washington in its capture. In August, De Guichen, having failed to accomplish anything in alliance with the Spanish fleet which joined him, sailed for France, so alarming Rodney for the safety of New York that he divided his fleet and went to Clinton's relief.[2]

Rodney's fears were not groundless, for Lafayette,

[1] Mahan, *Influence of Sea Power*, 377, 403, 404.

[2] *Ibid.*, 381, 382.

who had returned to France in 1779, persuaded Vergennes to send over a French army to be placed under Washington's control,[1] and in July, 1780, Admiral Ternay with ten war vessels and six thousand men, commanded by the Comte de Rochambeau, arrived at Newport. More ships and men were to follow, but a British fleet blockaded them in the harbor of Brest.[2] At Newport, reinforcements from England under Admiral Graves enabled the British to bottle up the French fleet in Narragansett Bay, preventing Rochambeau giving any aid to Washington because he might have to succor the French fleet.[3] For a year the French army was kept idle at Newport, creating more ill feeling against the French alliance, though it was destined to render a great service when the time was ripe.

Rodney arrived in New York in September, 1780, and, not being needed there, returned to the West Indies (December 6). Late in January he received secret orders from the British government telling of the war with Holland, and directing him to seize the Dutch island, St. Eustatius, which throughout the American war had been the means of an enormous export of military supplies to the patriot armies and of naval supplies to the French and Spanish fleets in the West Indies.[4] Rodney de-

[1] Tower, *Lafayette*, II., 88–92.
[2] *Ibid.*, 124, 171. [3] *Ibid.*, 170.
[4] Jameson, in *Am. Hist. Review*, VIII., 687, 699.

clared that the island had done England "more harm than all the arms of her most potent enemies."[1] There was nothing to do but to appear before it and demand its surrender. The defence was merely formal. Rodney had at his mercy spoil to the amount of £3,000,000 sterling.[2] Though it was, as its captor said, "the greatest emporium on earth," he meant to leave it "a mere desert, and only known by report." The wholesale devastation excited the indignation of Europe, yet the actual result was that the sale of the goods supplied England's enemies at a cheaper rate than would have been possible otherwise. More than that, Rodney's delay, while disposing of his spoil, lost him opportunities for important naval successes.[3] While he delayed, Comte de Grasse, the French admiral, coming with a new fleet from France, escaped the British vigilance and joined the other French ships, a union which made possible the French control of the sea a few months later at the siege of Yorktown.[4]

As the number of England's enemies increased, so much of her military power was locked up in various parts of the world that the efficiency of the military force in America was greatly impaired. It was well for the cause of independence that this was true, for, besides the general dejection and apathy of the

[1] Mundy, *Life and Correspondence of Rodney*, II., 97.
[2] Jameson, in *Am. Hist. Review*, VIII., 701.
[3] *Ibid.*, 702, 706.
[4] Mahan, *Influence of Sea Power*, 383; *History of the Royal Navy*, III., 481, 482.

people, the American army was itself becoming mutinous. The soldiers believed that they had been deceived in the matter of the length of their enlistments,[1] and on January 1, 1781, when the Pennsylvania recruiting agents arrived in the camp near New York, the soldiers of the Pennsylvania division broke into open mutiny, demanding back pay and a clearing up of the enlistment muddle. They determined to march to Philadelphia and get redress of Congress.[2] General Wayne, who was in command of the Pennsylvania line, tried to control them, but in vain; they marched to Princeton, where they were met by President Reed of their own state, and were offered terms honorable to both, which after some delay they accepted.[3] Later, part of the New Jersey line also mutinied, and to prevent the spirit of insubordination infecting the whole army severe measures were taken and two of the mutineers executed.[4] By such measures the army was kept together and ready for the opportunity that was coming.

In the south, after the American victory at King's Mountain, the partisan leaders renewed their activity. Gates, with a fragment of his former army, was enabled to advance from Hillsborough to

[1] Hatch, *Administration of the Revolutionary Army*, 125–127.
[2] Stillé, *Wayne*, 240, 243.
[3] See "Diary of the Revolt," in *Pa. Archives*, 2d series, XI., 631–674.
[4] Washington, *Writings* (Sparks's ed.), VII., 380, 381; App No. x.

Charlotte, whence Cornwallis had retreated. Here the command of the patriot army was transferred to General Greene, as Washington had formerly desired.[1] Hither came Daniel Morgan, too, a most excusable Achilles, who had been sulking in his tent because of Congress's failure to recognize his really distinguished services. With Greene came Kosciuszko, and "Light Horse Harry" Lee, with his famous cavalry. These men together with William Washington,[2] another distinguished cavalry leader, and the partisan leaders already in the field, were now to regain the south from the invader.

Greene's army was too weak to try to oppose the advance of Cornwallis, who had been reinforced by Clinton,[3] but by dividing his army he could annoy the enemy's flanks with constant raids by the partisan bands. Morgan was placed in command of the second division, and he so threatened Cornwallis's left that Tarleton with a thousand men was sent to drive him back. Morgan retreated until he reached the Broad River, and there, on the grazing grounds known as the Cowpens, he formed his little army with its back to the unfordable river, and (January 17, 1781) awaited Tarleton's impetuous attack. Though the Americans were slightly outnumbered, the brief engagement resulted in such a defeat for the British that only two hundred men

[1] Washington, *Writings* (Sparks's ed.), VII., 187, 257.
[2] Graham, *Morgan*, 230–233; Greene, *Greene*, III., 112–117.
[3] Fortescue, *British Army*, III., 359.

out of their force of one thousand escaped,[1] and that loss crippled Cornwallis to the end of his campaign.

Morgan at once sought to elude Cornwallis and rejoin Greene, who hurried across country to take the command himself. Cornwallis, in his eagerness to overtake them, burned his supply train, and pursued the retreating army across the Catawba and the Yadkin, so close at times that pursuer and pursued seemed like a single army. At Guilford Court House Greene effected a union with the other half of his army, but, being still too weak for battle, he hastened on and crossed the Dan into Virginia. Cornwallis thereupon proclaimed that North Carolina was conquered;[2] but Greene returned, evading the British until he was reinforced, and then at Guilford Court House, March 15, 1781, gave Cornwallis the battle which had become for him a necessity. It was a desperate struggle, and Greene retired with a loss of four hundred men, but Cornwallis's army was so reduced that nothing remained for him to do but hasten to the coast, at Wilmington, to get the aid of the British fleet.[3] The interior of North Carolina was given up, and Greene was left free to go to the aid of South Carolina, which was still controlled by Lord Rawdon. Though he was defeated at Hobkirk's Hill (April 25, 1781), yet he broke Rawdon's

[1] Huntington to Greene, *Continental Congress Papers* (MSS.), No. 15, p. 232; Graham, *Morgan*, 309; Tarleton, *Campaign of 1780, etc.*, 221–227, 255–258.

[2] *Ibid.*, 261–274.

[3] *Ibid.*, 311–338.

communications with the coast, and soon drove the British from all the back country of South Carolina. Before the end of the year only Savannah and Charleston remained in British hands.

Cornwallis, at Wilmington, might have taken his troops by sea to Charleston, and thus have confronted Greene when he came into South Carolina, but he determined to leave Rawdon to his own resources, and to act upon a theory of his own that the South could not be conquered while Virginia was in American hands.[1] A small British army under Generals Phillips and Arnold was already in Virginia, confronted by a detachment under Lafayette, sent by Washington to capture Arnold. Cornwallis marched thither and effected a junction with Arnold, and then with five thousand men set out to capture Lafayette with some three thousand men, chiefly militia. Lafayette, who was "not strong enough even to be beaten," retreated into the back country until reinforcements made him so aggressive that Cornwallis thought it wise to retreat to the coast. Lafayette was reinforced by Steuben, and pressed Cornwallis closely until he fortified himself at Yorktown, when Lafayette, towards the end of July, settled down at Malvern Hill,[2] sending word to Washington of the situation in Virginia.

A few days later a letter came to Washington from

[1] Fortescue, *British Army*, III., 377, 378.

[2] Tower, *Lafayette*, II., 378–380; Washington, *Writings* (Ford's ed.), IX., 336.

the Count de Grasse, who had previously sent word that his fleet might safely leave the West Indies for a few months during the summer. He now proposed joint operations in Virginia, promising to reach the Chesapeake in August.[1] Washington, thus obliged to give up the attack on New York, at once planned to bring every available force to the aid of Lafayette. Rochambeau's French army from Newport joined Washington, and Clinton was led to believe that the siege of New York had begun in earnest.[2] The allied armies, six thousand strong, marched past the city, however, and hurried on through Princeton, Trenton, and Philadelphia to the head of Chesapeake Bay, which they reached (September 5) just as De Grasse entered the bay with his fleet. The French fleet from Newport had already made the passage thither with the French siege-guns. Rodney, in the West Indies, had known of the departure of De Grasse, and had sent Hood to reinforce the British at New York. Hood looked in as he passed the Chesapeake, but hurried on to New York and apprised Admiral Graves of the menacing French fleet. Graves at once sailed to the Chesapeake and attacked the French fleet,[3] but after several days manœuvring the French proved their superiority, and Cornwallis was left at the mercy of his besiegers, who, with the arrival of Washington's

[1] Washington, *Writings* (Ford's ed.), IX., 334.
[2] Boudinot, *Boudinot*, I., 229–233.
[3] Mahan, *Influence of Sea Power*, 389.

and Rochambeau's troops, numbered sixteen thousand men. After a desperate resistance Cornwallis recognized the hopelessness of his position, and (October 19, 1781) the British army, over seven thousand strong, surrendered and became prisoners of war.[1] The French had at last rendered the service that had been so long delayed. There were more French regular troops at Yorktown than there were American. France had won her longed-for victory over her hereditary enemy, and America might now expect the recognition of her independence from the mother-country.

As men looked back over the years of strife, they saw clearly that the chief reason why the American cause was not lost before France came to its aid was the personal leadership of Washington. If we seek to explain, it was not his great mind, for Franklin's was greater; not his force, energy, or ingenuity, for Benedict Arnold surpassed him in these qualities; not his military experience, for Charles Lee's was far more extensive; but it was the strength of character which day by day won the love of his soldiers and the perfect confidence of his countrymen. The absence of a mean ambition, the one desire of serving well his country and his fellow-men, the faithfulness that could not be driven from its task through jealousy or resentment, these were the traits that gave him a unique and solitary place among the world's heroes.

[1] Washington, *Writings* (Sparks's ed.), VIII., 530–536.

The surrender of Cornwallis came at the right time to produce a great political effect in England. The war had assumed such tremendous proportions that accumulated disaster seemed to threaten the ruin of Great Britain. From India came news of Hyder Ali's temporary successes, and of the presence of a strong French armament which demanded that England yield every claim except to Bengal. That Warren Hastings and Sir Eyre Coote would yet save the British Empire there, the politicians could not foresee. Spain had already driven the British forces from Florida, and in the spring of 1782 Minorca fell before her repeated assaults and Gibraltar was fearfully beset. De Grasse's successes during the winter in the West Indies left only Jamaica, Barbadoes, and Antigua in British hands. St. Eustatius, too, was recaptured, and it was not until the middle of April that Rodney regained England's naval supremacy by a famous victory near Marie-Galante.[1] England had not a friend in Europe, and was beset at home by violent agitation in Ireland, to which she was obliged to yield an independent Irish Parliament.[2] Rodney's victory and the successful repulsion of the Spaniards from Gibraltar, in the summer of 1782, came too late to save the North ministry.

North was thrown into despair at the news of Yorktown, but the king still refused to acknowl-

[1] *Annual Register*, XXV., 252–257.
[2] *Two Centuries of Irish History*, 91.

edge American independence. The personal rule of George III. was, however, near its end. Steadily the Whig minority increased on all important measures, while the government majority decreased and at last was lost altogether. As early as April, 1780, the House of Commons passed a resolution that "the influence of the crown has increased, is increasing, and ought to be diminished." A motion urging the king to end the war was carried in the Commons[1] (February 27, 1782), and March 20, 1782, Lord North resigned. The broken Whig party then united, Rockingham becoming prime-minister, while Shelburne, Fox, Camden, Grafton, and Conway came into office under him, all eager to negotiate peace.[2] Shelburne succeeded Rockingham in July, 1782, but the purpose of the ministry was not changed.

The negotiations between the English and American peace envoys dragged on. Congress had instructed the commissioners not to make terms without the approval of the French court, but the commissioners became suspicious of Vergennes, broke their instructions, and dealt directly and solely with the British envoys. Boundaries, fishery questions, treatment of the American loyalists, and settlement of American debts to British subjects were settled one after another, and November 30, 1782, a provisional treaty was signed. The definitive treaty was

[1] *Journal of House of Commons*, XXXVIII., 861; *Parliamentary Hist.*, 347. [2] *Memoirs of Rockingham*, II., 464.

delayed until September 3, 1783, after France and England had agreed upon terms of peace.[1]

America awaited the outcome almost with lethargy. After Yorktown the country relapsed into indifference, and Washington was left helpless to do anything to assure victory. He could only wait and hope that the enemy was as exhausted as America. Disorganization was seen everywhere—in politics, in finance, and in the army. Peace came like a stroke of good-fortune rather than a prize that was won. Congress (January 14, 1784) could barely assemble a quorum to ratify the treaty.[2]

During the war many had feared that British victory would mean the overthrow in England of constitutional liberty. The defeat, therefore, of the king's purpose in America seemed a victory for liberalism in England as well as in America. Personal government was overthrown, and no British king has gained such power since. The dangers to freedom of speech and of the press were ended. Corruption and daring disregard of public law received a great blow. The ancient course of English constitutional development was resumed. England never, it is true, yielded to her colonies what America had demanded in 1775, but she did learn to handle the affairs of her colonies with greater diplomacy, and she does not allow them now to get into such an unsympathetic state.

[1] *Treaties and Conventions*, 370, 375.
[2] *Journals of Congress*, January 13, 14, 1784.

Great Britain herself was not so near ruin as she seemed; she was still to be the mother of nations, and the English race was not weakened though the empire was broken. In political, social, and intellectual spirit England and America continued to be much the same. English notions of private and public law still persisted in independent America. The large influence which the Anglo-Saxon race had long had upon the world's destiny was not left with either America or England alone, but with them both. America only continued England's "manifest destiny" in America, pushing her language, modes of political and intellectual activity, and her social customs, westward and southward—driving back Latin civilization in the same resistless way as before the Revolution.

For America much good came out of the Revolution. Americans had acted together in a great crisis, and Washington's efforts in the army to banish provincial distinctions did much to create fellow-feeling, which would make real union possible. With laws and governments alike, and the same predominant language, together with common political and economic interests, future unity seemed assured.

The republican form of government was now given a strong foothold in America. Frederick the Great asserted that the new republic could not endure, because "a republican government had never been known to exist for any length of time

where the territory was not limited and concentrated," yet America, within a century, was to make it a success over a region three times as great as the territory for which Frederick foretold failure.

Independence left the Americans free to develop their peculiar type of civilization, for new environment taught them new political wants. Despite the fact that the colonies in their revolt claimed to be asking only the recognition of the principles of the English constitution, they really had a new political ideal of their own—self-government by the main body of the people, the principle of American democracy. Another political doctrine they held also — the democratic doctrine of local self-government — not to be ruled by laws made thousands of miles away.

The spirit of America was for the abolition of legal distinctions between man and man. The suffrage, limited though it was at the close of the Revolution, approached every decade thereafter to universal suffrage. Stratified society, privileged classes, and inequality of opportunity were to find no encouragement; and progress, with as few restraints as possible, was to be America's watchword. The "rights of man" were published world wide, and class exemptions were doomed. The example of revolution was set to the other oppressed people of the world. Within forty years all the colonies of Spain in America had followed

the example of England's colonies. Where revolution failed, emigration secured for individuals the wished for political freedom. Towards America set the tide of the lovers of liberty, as soon as the Revolution was ended. Franklin in France, during the war, foretold the migration to America. "Tyranny is so generally established in the rest of the world, that the prospect of an asylum in America for those who love liberty gives general joy. . . . We are fighting for the dignity and happiness of human nature. Glorious it is for the Americans to be called by Providence to this post of honor."

CHAPTER XVIII

CRITICAL ESSAY ON AUTHORITIES

BIBLIOGRAPHICAL AIDS

THE best bibliographical guide to books on the American Revolution, that appeared before 1889, is Justin Winsor, *Narrative and Critical History of America* (8 vols., 1888–1889); the critical essays and editorial notes of vol. VI. contain a very full but not very discriminating bibliography. Justin Winsor, *Handbook of the American Revolution* (1879), is a more useful guide for the general reader but is now somewhat antiquated. Channing and Hart, *Guide to the Study of American History* (1896), contains in chap. xiv. topical lists for this period, and also lists of secondary books on state and local history (§ 23) and of published colonial records (§ 29). Josephus N. Larned, *Literature of American History* (1902, and supplement 1903), contains good descriptive and critical notes on the chief authorities of this period (pp. 111–152). Richardson and Morse, *Writings on American History* (1904, see especially pp. 268–270), gives the gist of the best criticisms on books appearing in 1902. Moses Coit Tyler, *Literary History of the American Revolution* (2 vols., 1897), contains a list of books (II., 429–483) especially valuable for the study of political literature and controversy. Vol. VII. of the *Cambridge Modern History* (1903) contains (p. 780) a classified but incomplete list of books in the field of the Revolution. W. S. Baker, *Bibliotheca Washingtoniana* (1889), is also of value. Much of the material described by George E.

Howard in his *Preliminaries of the Revolution* (*American Nation*, VIII.) applies also to the earlier stages of the Revolution.

GENERAL SECONDARY WORKS

Only a few of the numerous writers on the revolutionary period can be mentioned here. George Bancroft, *History of the United States* (last rev., 6 vols., 1883–1885), was chiefly interested in the revolutionary period. He gives scant justice to the British side of the controversy; but he is accurate in statement of fact, and had access to a vast amount of material. His opinions are much less valuable than his facts. Richard Hildreth, *History of the United States* (6 vols., 1849–1852), is dry and annalistic, but very accurate as to names and dates. Vol. VI. of Justin Winsor, *Narrative and Critical History*, contains an accurate, narrative, and topical treatment of the Revolution, but literary merit is sacrificed to critical apparatus. Sir George Otto Trevelyan, *The American Revolution*, in the three volumes published to 1903, carries the story to 1777. This work, taking the American and English Whig point of view, is the result of wide reading, and is the best piece of literature on the subject. John Fiske, *The American Revolution* (2 vols., 1891), is a popular, military, and personal history of the war, broad in view, often inaccurate in detail, and neglectful of important phases of the struggle. Its charming style makes it the most generally read of all accounts. William Edward Hartpole Lecky, *The American Revolution* (Woodburn's ed., 1898), is the most judicious and authoritative account yet written. It is impartial, but, since the volume consists merely of excerpts from Lecky's *History of England in the Eighteenth Century*, it neglects American political and constitutional questions.

Contemporary accounts to be used with critical care are: David Ramsay, *American Revolution* (2 vols., 1789); William Gordon, *American War* (4 vols., 1788), large parts of which are taken from the *Annual Register;* and Charles Stedman, *History of the American War* (2 vols., 1794),

which is the best contemporary British account. The later British accounts of greatest interest are in John Adolphus, *History of England* (3 vols., 1805), a rabid, unjust, Tory account; and P. H. Stanhope (Lord Mahon), *History of England* (7 vols., 1854), a well-written, temperate, but very British account. Timothy Pitkin, *Political and Civil History of the United States* (2 vols., 1828), is a dry but accurate account of the political events of the period.

GENERAL COLLECTIONS OF SOURCES

There are two great storehouses for material on the revolution: B. F. Stevens, *Facsimiles of MSS. in European Archives Relating to America, 1773–1783* (25 vols., 1889–1898), especially valuable for the English and European side of the controversy; Peter Force, *American Archives* (4th series, 6 vols.; 5th series, 3 vols.), the most complete collection of materials for the years 1774–1776. For the diplomatic history of the period the source material is in Jared Sparks, *Diplomatic Correspondence of the American Revolution* (12 vols., 1829). This material is better edited in Francis Wharton, *The Revolutionary Diplomatic Correspondence* (6 vols., 1889). *The Journals of Congress* (13 vols., 1774–1783; reprint in 4 vols.; new edition in progress under editorship of Worthington C. Ford) are of great value for financial, political, and military administrative problems. The *Secret Journals* (4 vols., 1821), are of especial value for diplomatic and financial matters. For the political struggle in England the *Annual Register* (1758–1783) is useful, as is also J. Almon, *Remembrancer* (17 vols., 1775–1784). Action in the English Parliament may be studied in the *Calendar of the Journals of the Lords* (1810), the *Journals of the House of Commons* (127 vols., 1547–1872), and the *Parliamentary Register* (1774–1779). The spirit of the people is best seen in Frank Moore, *Diary of the American Revolution* (1860), which consists of excerpts from the newspapers of the day arranged chronologically. Albert Bushnell Hart, *American History told by Contemporaries*,

II. (1901), is in good part devoted to various phases of the Revolution. The military events are best followed in Jared Sparks, *Correspondence of the Revolution* (4 vols., 1853), and in either Sparks's edition (12 vols., 1837), or Ford's edition (14 vols., 1889) of *Writings of Washington;* also in the journals, lives, or writings of the other prominent generals, English and American. *The Gentleman's Magazine*, during the years of the war, printed many official reports of the British officers. Much contemporary matter of value has been published by historical societies and state governments—see Larned, *Literature of American History* (1902), pp. 1–20. Of especial value in this class are the *Trumbull Papers* (Massachusetts Historical Society, *Collections*, 5th series, X.; and 7th series, II., III.).

SPECIAL WORKS ON POLITICAL AND CONSTITUTIONAL HISTORY

Richard Frothingham, *Rise of the Republic of the United States* (6th ed., 1895), is the best general authority upon the political and constitutional problems. George Ticknor Curtis, *Constitutional History of the United States* (2 vols., 1889–1896); the first volume of Hermann E. von Holst, *Constitutional History of the United States* (Lalor's translation, 1880); and Judson S. Landon, *The Constitutional History of the United States* (1889), are suggestive on the larger problems. The immense pamphlet literature of the period is best studied through Moses Coit Tyler, *Literary History of the American Revolution* (2 vols., 1897), the monumental work upon the revolutionary political argument and literature. The best sources of study of the political side in general are John Adams, *Works* (C. F. Adams's ed., 10 vols., 1856); John Dickinson, *Writings* (P. L. Ford's ed., 3 vols., 1895); Thomas Jefferson, *Writings* (W. C. Ford's ed., 11 vols. 1892–1900); *The Political Writings of Thomas Paine* (2 vols., 1870); Benjamin Franklin, *Complete Works* (Bigelow's ed., 10 vols., 1887–1889); William V. Wells, *Life and Public Services of Samuel Adams* (3 vols., 1865), is a

treasury of valuable materials, but is filled with eulogy of Adams and ill-founded condemnation of his contemporaries. John and Abigail Adams, *Familiar Letters during the Revolution* (C. F. Adams's ed., 1875), is of great interest because of the intimate pictures of the life and politics of the time.

THE LOYALISTS

The most valuable close study of the loyalists in a limited field is A. C. Flick, *Loyalism in New York* (1901), which contains a good bibliography of manuscript and printed sources. Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution* (2 vols., 1864), is a great storehouse of information about individual loyalists, and contains a suggestive introductory essay upon the loyalist party. G. E. Ellis, "The Loyalists," in Winsor, *America*, VII., 185, is the best brief survey of loyal activities. G. A. Gilbert, "The Connecticut Loyalists" (*American Historical Review*, IV., 273), is a careful and exhaustive treatment of local conditions. M. C. Tyler, "The Party of the Loyalists in the American Revolution" (*American Historical Review*, I., 24), is a liberal and able essay upon the character and political arguments of the loyalists. A. E. Ryerson, *Loyalists of America and Their Times* (2 vols., 1880), is rather a loyalist history of the Revolution than a history of the loyalists. A similar but more inaccurate book is Thomas Jones, *History of New York during the Revolutionary War* (2 vols., 1879), which has the advantage of being nearly a contemporary account, filled with loyal feeling and prejudice. The whole subject of the loyalists is treated in Claude H. Van Tyne, *The Loyalists in the American Revolution* (1902), which is based upon the monumental collection of material about the loyalists in the Lenox Library in New York City, under the general title, *Transcript of the MS. Books and Papers of the Commission of Enquiry into the Losses and Services of the American Loyalists . . . preserved . . . in the Public Record Office of England;* and upon the laws of the

thirteen colonies, their other public records, and the loyalist newspapers of the time.

Of the loyalist pamphlets and other literature cited by Tyler, the most valuable are: Samuel Curwen, *Journal and Letters* (1842); Thomas Hutchinson, *Diary and Letters* (2 vols., 1884–1886); Joseph Galloway, *The Examination of*, etc. (1779), *Cool Thoughts*, etc. (1780), *A Candid Examination*, etc. (1775); Daniel Leonard, *Massachusetensis*, etc. (1776); Samuel Seabury, *Free Thoughts, etc., by a Farmer* (1774); and J. Boucher, *A View of the Causes*, etc. (1797). The biographies of certain prominent loyalists are also of value. George E. Ellis, *Count Rumford* (1868); Henry C. Van Schaack, *Peter Van Schaack* (1842); James K. Hosmer, *Thomas Hutchinson* (1896); Noah Brooks, *Sir William Pepperell* (1903); E. H. Baldwin, "Joseph Galloway," in *Pennsylvania Magazine of History*, July, 1902. Upon the subject of the trial and banishment of loyalists and confiscation of their estates there are very useful printed sources in *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania Before and Since the Revolution* (A. J. Dallas's ed., 1806). Andrew M. Davis, *Confiscation of John Chandler's Estate* (1903), is of great value for all the tedious details of confiscation. The effect upon a loyalist family is well seen in *Letters of James Murray, Loyalist* (Tiffany's ed., 1901). An instructive document is the famous "Black List," *A list of those Tories who took part with Great Britain in the Revolutionary War and were attainted with High Treason*, etc. (1865). Suggestive of the persistent persecution is the *Abstract of the Laws of the American States now in force relative to debts due to Loyalists* (1789); Douglas Brymner, *Report on the Canadian Archives* (especially 1883), contains much material about refugee loyalists, as do the collections of New Brunswick and Nova Scotia historical societies, and Canadian histories in general. Much useful matter concerning Massachusetts loyalists may be found in the Massachusetts Historical Society, *Proceedings* (especially 2d series, III., IV.); Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services, and*

Claims of the American Loyalists (1815), is a reliable account of that work by one of the commissioners.

BREAKING UP OF COLONIAL GOVERNMENTS, AND INDEPENDENCE (1775–1776)

The best secondary accounts of these events are to be found in the general histories cited above and in the histories of the thirteen colonies. Only a few of the most helpful of the latter can be mentioned. Jeremy Belknap, *History of New Hampshire* (3 vols., 2d ed., 1813); Samuel G. Arnold, *History of the State of Rhode Island* (2 vols., 1894); Isaac S. Mulford, *A Civil and Political History of New Jersey* (1851); Alden Bradford, *History of Massachusetts* (3 vols., 1822–1829); J. J. Boudinot, *Life of E. Boudinot* (1896), useful for the break-up in New Jersey; Edward McCrady, *The History of South Carolina in the Revolution* (2 vols., 1901–1902). The last chapter of Charles L. Raper, *North Carolina* (1904), is a very valuable treatment of the break-up in that state. For Pennsylvania we have the scholarly monograph by Charles H. Lincoln, *Revolutionary Movement in Pennsylvania* (1901). In W. Roy Smith, *South Carolina as a Royal Province* (1903), is the best treatment of the downfall of the British government in South Carolina. For Maryland there are two good studies, one by Bernard C. Steiner, *Life and Administration of Sir R. Eden* (*Johns Hopkins University Studies*, XVI., 335), and by Newton D. Mereness in the last chapter of his *Maryland as a Proprietary Province* (1901). Many town and county histories are useful, especially Henry B. Dawson, *Westchester County* (1886); James Grant Wilson, *Memorial History of New York* (4 vols., 1891–1893); Justin Winsor, *Memorial History of Boston* (4 vols., 1880–1882).

The printed sources for this subject are vast. New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and North Carolina have printed large portions of their records of the period (see Larned, *Literature of American History*, 8–12; Channing

and Hart, *Guide*, § 29); while the records of the remainder of the thirteen original states have been printed in smaller part by historical societies or by the states themselves. (See Larned, as above.) Onderdonk, *Revolutionary Incidents of Long Island* (1846), contains interesting original matter on this breaking-up period. Many of the sources are conveniently compassed in Daniel R. Goodloe, *Birth of the Republic* (1889). The steps toward independence are best traced in the above sources, in Peter Force, *Archives*, and in the *Journals of Congress*. The facts about the Declaration of Independence are best established in the essay on that subject by Mellen Chamberlain, in Massachusetts Historical Society, *Proceedings*, 2d series, V., 1; also in his *John Adams, the Statesman of the Revolution* (1898). A very thorough study of the independence campaign is Herbert Friedenwald, *The Declaration of Independence* (1904). Paine's influence is best studied in Thomas Paine, *Writings* (4 vols., M. D. Conway's ed., 1894–1896), and in Moncure D. Conway, *Life of Thomas Paine* (2 vols., 1892), an exhaustive, well-written, and fair-minded defence. Jefferson's work is most fully treated in Henry S. Randall, *Life of Thomas Jefferson* 3 vols., 1858), the standard life, carefully written, though prejudiced. Thomas Jefferson, *Writings* (H. A. Washington's ed., 9 vols., 1853); P. L. Ford's ed., 10 vols., 1892), are also indispensable. The lives of the signers of the Declaration are very informing, especially William Wirt Henry, *Life of Patrick Henry* (3 vols., 1891), the standard work for scholars; Moses Coit Tyler, *Life of Patrick Henry* (1887), the best brief biography; James K. Hosmer, *Samuel Adams* (1885), a well-written popular biography; William E. Foster, *Stephen Hopkins* (*Rhode Island Historical Tracts*, Nos. xix., xx., 1884); James Parton, *Life and Times of Benjamin Franklin* (2 vols., 1864), a close study, now out of date, but well written except for the hero-worship. Kate M. Rowland, *Life of Charles Carroll* (2 vols., 1898), is the best biography of the Maryland patriot; John Sanderson, *Biography of the*

Signers (5 vols., 1828), is antiquated as to all the significant signers. C. E. Merriam, "Political Theory of Jefferson," in *Political Science Quarterly*, March, 1902, is very suggestive.

THE NEW STATE CONSTITUTIONS (1776–1780)

The standard general treatment of this subject is John A. Jameson, *The Constitutional Convention* (1887). W. C. Webster, "State Constitutions of the American Revolution," in *Annals of the American Academy*, May, 1897, is a dry but valuable analytical treatment of the new constitutions. C. E. Merriam, *History of American Political Theories* (1903), is an admirably clear and readable account of the chief political changes accomplished, but shows superficial study. Several chapters in Charles Borgeaud, *Adoption and Amendment of Constitutions* (1895), are useful. In J. Franklin Jameson, *Introduction to the . . . History of the States* (*Johns Hopkins University Studies*, IV., No. v.), there are very valuable suggestions for this study. The constitutions themselves may be found in Ben Perley Poore, *Charters and Constitutions* (2 vols., 1877). A bibliography of the printed journals and debates of the constitutional conventions may be found in the University of the State of New York, *State Library Bulletin*, Additions No. 2 (November, 1894), 266–278.

There are several valuable studies of this work in individual states. Harry A. Cushing, *History of the Transition from Provincial to Commonwealth Government in Massachusetts* (*Columbia University Studies in History*, VII., No. i.). Paul L. Ford, "The Adoption of the Pennsylvania Constitution of 1776," in *Political Science Quarterly*, September, 1895; Samuel B. Harding, "Party Struggles Over the First Pennsylvania Constitution," in American Historical Association, *Annual Report* (1894); E. W. Sykes, *The Transition of North Carolina from Colony to Commonwealth* (*Johns Hopkins University Studies*, XVI., No. vii.); J. A. Silver, *The Provisional Government of Maryland*

(*Johns Hopkins University Studies*, XIII., No. x). The best state histories also have good accounts, and the biographies of John Adams, John Jay, Gouverneur Morris, Benjamin Franklin, Joseph Reed, George Mason, Jefferson, Henry, and Madison are all valuable.

Certain phases of the new state constitutions are best studied in W. T. Thom, *Struggle for Religious Freedom in Virginia* (*Johns Hopkins University Studies*, XVIII., Nos. x., xi., xii.); George Jellinek, *The Declaration of the Rights of Man* (Farrand's trans., 1901); Max Farrand, "The Delaware Bill of Rights," in *American Historical Review*, III., 641–649; and Sanford H. Cobb, *Rise of Religious Liberty in America* (1902), a very faulty but suggestive work. The far-reaching effects of the new constitutions may be seen in H. E. Bourne, "American Precedents in the French National Assembly," in *American Historical Review*, VIII., 470.

THE CONTINENTAL CONGRESS AND THE ARTICLES OF CONFEDERATION (1775–1781)

The key to the papers of the Continental Congress may be found in the *Bulletins* of the Bureau of Rolls and Library, which contain a catalogue of the papers and calendars of some of them. P. L. Ford, "Materials for a Bibliography of the Official Publications of the Continental Congress," in Boston Public Library, *Bulletin*, VIII., 320, is a valuable guide. Of service also is H. Friedenwald, *The Journals and Papers of the Continental Congress*, in American Historical Association, *Annual Report*, I., 1896; and the same author's suggestions for the study of the Congress in the *Pennsylvania Magazine of History and Biography*, XIX., 197, are noteworthy. J. W. Moore, *The American Congress* (1895), contains an anecdotal, very inadequate, and inaccurate account of the Continental Congress. Except Samuel Ward's "Diary," in *Magazine of American History*, I., 505, and the "Diary of Richard Smith in the Continental Congress," in *American Historical*

Review, I., 493, and a few notes taken by John Adams and Jefferson, there are few accounts of the debates. The lives and writings of members and officers are, of course, helpful. W. G. Simms, *John Laurens's Correspondence* (1867), and L. R. Harley's disappointing *Life of Charles Thomson* (1900) are useful books of this character not already mentioned.

A number of very valuable monographs have been written upon phases of this subject. Carl Becker, "Election of Delegates from New York to the Second Continental Congress," in *American Historical Review*, IX., 66; J. Franklin Jameson, *Essays in Constitutional History . . . 1775–1789* (1889), containing essays on the executive and judicial work of the Congress; also J. Franklin Jameson, "The Standing Committee System," etc., in American Historical Association, *Report*, 1893, p. 391. An analytical study of the functions of Congress is that by A. W. Small. *The Beginnings of American Nationality* (*Johns Hopkins University Studies*, VIII., Nos. i., ii.).

The making of the Articles of Confederation is treated in the general histories cited above, and may be studied in the sources suggested for the Declaration of Independence and the Congress. Their operation and effect are discussed by Andrew C. McLaughlin, *Confederation and the Constitution* (*American Nation*, X.).

GENERAL MILITARY AND NAVAL HISTORY

Vol. III. of John W. Fortescue, *History of the British Army* (1902), is based upon the fullest knowledge of the British sources, but, while fair in purely military matters, is rabidly anti-American on political topics. Henry B. Carrington, *Battles of the American Revolution* (2 vols., 1876), is accurate and valuable for its military criticism. Benson J. Lossing, *Pictorial Field-Book of the Revolution* (1855), is useful for the personal acquaintance with battlegrounds, the veteran's anecdotes, and other stimulating detail. Of great value as an original source during a large

part of the war are the *Kemble Papers* (New York Historical Society, *Collections*, vol. for 1883), which contain besides Kemble's journal the British army orders of Howe, Clinton, and Jones, 1775 to 1778; James Thacher, *Military Journal during the American War* (1827), has a value not wholly destroyed by the mistaken revision of his contemporary journal. John G. Simcoe, *Journals* (1844), are also useful. The main reliance of the historian must, of course, be the letters and writings of Washington, Greene, and the other generals in the field.

MILITARY EVENTS (1775–1776)

The military side of the conflict to the midsummer of 1776 is best followed in Richard Frothingham, *History of the Siege of Boston* (6th ed., 1895), the standard work on the subject, with helpful references to the sources in footnotes. Charles Francis Adams, "Battle of Bunker Hill," in *American Historical Review*, I., 401–413, furnishes the best criticism of that battle. B. F. Stevens, *General Sir William Howe's Orderly Book* (1890), is an invaluable source for this period. The *Letters of Hugh, Earl Percy* (C. K. Bolton's ed., 1902), contains new and interesting contemporary evidence in this field. Justin H. Smith, *Arnold's March from Cambridge to Quebec* (1903), is a fine piece of scientific work, in which John Codman, *Arnold's Expedition to Quebec* (1901), is severely criticised. A good list of authorities including the numerous contemporary journals is given. Of great value in explaining the failure of the expedition is Victor Coffin, *The Province of Quebec and the Early American Revolution* (University of Wisconsin, *Bulletin*, 1896). The *Journals of Each Provincial Congress of Massachusetts* (1838) is a valuable source for the political as well as military action in that state. Alfred T. Mahan, "Naval Campaign on Lake Champlain," in *Scribner's Magazine*, February, 1898, is the best treatment of Arnold's struggle there. Bayard Tuckerman, *Life of Philip Schuyler* (1904), is also authoritative. James Graham, *Life of Morgan*

(1856), contains many valuable documents. Charles Carroll's *Journal* (1845) is useful on the attempt to secure Canada.

LONG ISLAND TO TRENTON AND PRINCETON (1776)

The most scholarly treatment of this whole subject is Henry P. Johnston, *Campaign of 1776 around New York and Brooklyn* (1878). This and the same author's *Battle of Harlem Heights* (1897) contain a mine of original matter accurately establishing every fact. Charles Francis Adams, "Battle of Long Island," in *American Historical Review*, I., 650, is the best criticism of that battle. Paul Leicester Ford, "Lord Howe's Commission to Pacify the Colonies," in *Atlantic Monthly*, June, 1896, contains the contemporary account written by Howe's secretary. "The Orders of Mercer, Sullivan, and Stirling," in *American Historical Review*, III., 302, show the state of the American Army just before the Long Island battle. General William Howe, *Narrative*, contains his best defence. The conduct of Charles Lee at this time and later is conclusively shown to be treasonable in George H. Moore, *Treason of Charles Lee* (1860). Lee's letters and papers are published in four volumes by the New York Historical Society, *Collections* (1871–1874), and in E. Langworthy, *Memoirs of . . . Lee* (1793). William Stryker, *Battles of Trenton and Princeton* (1898), is an elaborate, documentary treatment, with maps and a full bibliography of the retreat across the Jerseys and the final victories. Edward J. Lowell, *The Hessians*, etc. (1884), is a scholarly treatment of the German auxiliaries, their hiring and service in America. Max von Eelking, *German Allied Troops in the North American War of Independence* (Rosengarten's trans., 1893), is also an important source of information.

BURGOYNE'S CAMPAIGN (1777)

William L. Stone, *The Campaign of . . . Burgoyne and Expedition of . . . St. Leger* (1877), is a valuable compilation by a weighty authority who wrote for the general reader.

His translation of *Letters of Brunswick and Hessian Officers during the American Revolution* (1891) contains much first-hand information about Burgoyne's and the American armies. J. M. Hadden, *Journal kept . . . upon Burgoyne's Campaign* (H. Rogers's ed., 1884), is one of the most important contemporary accounts, as are also Madame Riedesel, *Letters and Journals . . . of the American Revolution* (Stone's ed., 1867), and Friedrich A. Riedesel, *Memoirs* (Stone's trans., 1868). Burgoyne's defence of his campaign is given in his *A State of the Expedition from Canada as Laid before the House of Commons* (1780), and in the apologetic work by Edward B. de Fonblanque, *Political and Military Episodes*, etc. (1876). The latter book contains many documentary proofs. Valuable material for the battle of Bennington is to be found in the Vermont Historical Society, *Collections; New Hampshire State Papers; Records of the Council of Safety . . . of Vermont*, I. (1873). The *Public Papers of George Clinton* (6 vols., published by State of New York, 1899–1902) are valuable for all New York military affairs.

HOWE'S CAMPAIGN (1777)

Much source material for this campaign may be found in *Pennsylvania Magazine of History* and *Pennsylvania Archives*. W. D. Stone, *Battle of Brandywine* (pamphlet, 1895), is of value, though the best account of that battle is in Charlemagne Tower, *The Marquis de La Fayette in the American Revolution* (2 vols , 1895). Worthington C. Ford, "The Defence of Philadelphia," in *Pennsylvania Magazine of History*, October, 1895, to January, 1897, contains a full presentation of the contemporary documents. Charles J. Stillé, *Anthony Wayne* (1893), contains a scholarly account of the battles of Germantown, Monmouth, and Stony Point.

VALLEY FORGE, MONMOUTH, AND THE LATER NORTHERN MILITARY EVENTS (1778–1781)

John Laurens, *Army Correspondence* (Bradford Club series No. 7, 1867), contains letters dealing with the intrigues

of the army, the daily life in camp, and the Monmouth battle. T. W. Bean, *Washington at Valley Forge*, etc. (1876), is a careful account, and the maps in the volume are valuable. Friedrich Kapp, *Life of Frederick W. von Steuben* (1859), is a reliable account of Steuben's service to the American army. Christopher Marshall, *Extracts from Diary* (Duane's ed., 1877), is a standard contemporary authority for all events in this region during 1774–1777. The Charles Lee literature cited above is again valuable upon his conduct at Monmouth, as are also the *Proceedings* of his court-martial at Brunswick. H. P. Johnston, *The Storming of Stony Point* (1900), is an exhaustive, scientific study of that event. William Abbatt, *Crisis of the Revolution* (1899), is a well-written story of Arnold's treason told from the sources. Isaac N. Arnold, *Benedict Arnold* (1880), seeks to soften the common judgment of Arnold, but is, nevertheless, a work of value. Lives of Washington, Burr, Lafayette, André, and General Lamb are nearly all useful.

FRONTIER SETTLEMENT AND INDIAN WARFARE

Two monumental works treat of the war in the West. Justin Winsor, *The Western Movement* (1897), is a work of great learning and unfortunate literary form. The great mass of facts is authenticated only by the author's reputation as a scholar, and much of its usefulness to the specialist is thus lost. Theodore Roosevelt, *The Winning of the West* (4 vols., 1889–1896), is of great value to the general reader because of its authentic tale of the dramatic and picturesque Indian fights, explorations, and border intrigues. The student finds only brief treatments of the more serious matters, the growth of local institutions and the political and diplomatic problems of the West. That side of western history can be studied in the admirable work of F. J. Turner and his school of historical students. Of especial value in the field of the Revolution is Frederick J. Turner, "Western State-Making in the Revolutionary Era," in *American*

Historical Review, I., and G. H. Alden, *New Governments West of the Alleghanies before 1780* (University of Wisconsin, *Bulletin*, II., No. i., 1897), with a bibliography. C. E. Boyd, "The County of Illinois," in *American Historical Review*, IV., 623, is a valuable study of government in the revolutionary West. Reuben G. Thwaites, *Life of Daniel Boone* (1904), is an authoritative, clear, well-balanced, and final account of the famous hunter. Archer B. Hulbert, *Historic Highways Series*, contains several volumes that throw some light on the westward movement. William H. English, *Conquest of the Country Northwest of the River Ohio*, etc. (1896), is a good history of Clark's work, with a vast amount of detail and many documents and facsimiles. Burke A. Hinsdale, *The Old Northwest* (1888), is a dry but broad and scholarly treatment of the whole struggle for the northwest. There is much original matter concerning Clark's conquest in the *Illinois Historical Collections*, I. (1903). The published records of all those states interested in the western lands contain source material. Letters and a journal by Clark are printed in the *American Historical Review*, I., VIII.

On the border warfare of New York the standard authority is William W. Campbell, *Annals of Tryon County* (1831), where the source matter is handled with good judgment and no little literary sense. *Sir John Johnson's Orderly Book* (Stone's ed., with introduction by J. W. de Peyster, 1882), is of value for the loyalist point of view. Consul W. Butterfield, *History of the Girtys* (1890) is a work of research very valuable in correcting the false legends concerning the origin of "Lord Dunmore's War." Lewis S. Shimmell, *Border Warfare in Pennsylvania during the Revolution* (1901), is a useful dissertation written from the sources. *Journals of the Military Expedition of Major-General John Sullivan against the Six Nations of Indians in 1779* (Conover's ed., 1887) is the best collection of sources for the expedition; while the most serviceable account is that of Rev. D. Craft, in D. Weller, *Centennial Celebration of General Sullivan's Campaign*, etc. (1880). A valuable

outline of events in the southwest is given in B. A. Hinsdale, "The Establishment of the First Southern Boundary of the United States," in American Historical Association, *Report*, 1893.

THE WAR IN THE SOUTH (1776–1780)

The most important work dealing with this subject is Edward McCrady, *The History of South Carolina in the Revolution* (2 vols., 1901–1902), a scholarly, well-written, and exhaustive treatment, erring, if at all, in a rather harsh judgment of General Greene. The sources of the greatest value are the many valuable documents found in Banastre Tarleton, *History of the Campaigns of 1780–1781 in the Southern Provinces of North America* (1787); W. Moultrie's interesting *Memoirs of the American Revolution* (1802); J. Drayton, *Memoirs of the American Revolution . . . to 1776 Inclusive* (1821); Henry Lee, *Memoirs of the War in the Southern Department of the United States* (1869); Garden, *Anecdotes of the Revolutionary War* (1822), is of use; and, for Marion's activities, R. W. Gibbes, *Documentary History of the American Revolution* (1853–1857) is good. Of the earlier histories of South Carolina during the war the most important is David Ramsay, *History of the Revolution of South Carolina from a British Colony to an Independent State* (2 vols., 1785), a dry account written by a contemporary resident. A good critical account of Cornwallis's invasion of the Carolinas is David Schenck, *North Carolina, 1780–1781* (1889). The lives of *Nathanael Greene*, by G. W. Greene (3 vols., 1867–1871), and by William Johnson (2 vols., 1822), are valuable for the documents contained, but are vitiated by ancestor and hero worship. More moderate than either is the life by Francis Vinton (1893). Friedrich Kapp, *Life of J. Kalb* (1884), is a scrupulous account of Kalb's valuable services to America. Lyman C. Draper, *King's Mountain and Its Heroes* (1881), is the inexhaustible quarry for all details of events connected with that battle.

YORKTOWN AND THE CLOSING MILITARY EVENTS (1781)

The most careful and exhaustive single study of the Yorktown campaign is Henry P. Johnston, *The Yorktown Campaign and the Surrender of Cornwallis, 1781* (1881). An account containing fine maps, pictures, and reprints is John A. Stevens, "The Allies at Yorktown," in *Magazine of American History*, VI., chap. i.; B. F. Stevens, *Campaign in Virginia, 1781: an exact reprint of six rare pamphlets on the Clinton-Cornwallis controversy, with . . . notes by Sir Henry Clinton*, etc. (2 vols., 1888), is of great value on the campaign. William Feltman, *Journal, 1781–1782, embracing the siege of Yorktown and the Southern Campaign*, in Pennsylvania Historical Society, *Collections*, 1853, is a valuable source; though the most important contemporary materials are in Lafayette, *Memoirs* (3 vols., 1837); Rochambeau, *Memoirs* (1838); *Cornwallis's Correspondence* (C. Ross ed., 1859); and Washington, *Writings*.

ADMINISTRATION OF THE REVOLUTIONARY ARMY

There are two works of especial value on this subject, the best organized and most scientific being L. C. Hatch, *The Administration of the American Revolutionary Army* (*Harvard Historical Studies*, X., 1904), and the more popular C. K. Bolton, *The Private Soldier under Washington* (1902). Much information on the subject is found in Noah Brooks, *Henry Knox* (1900). The published writings of those men interested in the continental or state organization are very useful. Alexander Hamilton, *Works* (Lodge's ed., 9 vols., 1885–1886); William B. Reed, *Life and Correspondence of Joseph Reed* (2 vols., 1847); William H. Smith, *The St. Clair Papers* (2 vols., 1882); S. B. Webb, *Correspondence and Journals* (Ford's ed., 3 vols., 1893–1894); and especially Washington's *Writings*. A valuable source is William T. R. Saffell, *Records of the Revolutionary War* (1858).

NAVAL AFFAIRS DURING THE REVOLUTION

The best view of the part which naval warfare played in the Revolution is that of Alfred T. Mahan, *Influence of Sea Power upon History* (1889), but the American navy receives only its small proportionate attention. Edgar S. Maclay, *History of the United States Navy* (3 vols., 1898–1901), is based upon research in French and English archives, and furnishes the best account of the details which an American reader wishes. John R. Spears, *History of Our Navy, 1775–1897* (1897), is good on the revolutionary period, and is more philosophical than Maclay's work. The lives of John Paul Jones, by J. H. Sherburne (1825), Alexander S. Mackenzie (1841), and Augustus Buell (1900), are useful. Valuable as a key to original matter is the C. H. Lincoln, *Calendar of the J. P. Jones Manuscripts* (1903). The aid rendered by the French navy is most fairly presented by Éduard Chevalier in his *Histoire de la Marine Française pendant la Guerre de l'Indépendance Américaine* (1877).

ECONOMIC AND FINANCIAL HISTORY

The best monograph on the finances of the American Revolution is in Charles J. Bullock, *Finances of the United States* (1895). Albert S. Bolles, *Financial History of the United States*, I. (1884), contains a great amount of material, ill digested and lacking definite treatment. William G. Sumner, *The Financier and Finances of the American Revolution* (2 vols., 1891), is an ill-arranged storehouse of materials relating to Robert Morris, confusing to read. Henry Bronson, *Historical Account of Connecticut Currency* (1865), is a strong and scholarly essay. Ellis P. Oberholtzer, *Life of Robert Morris* (1903), is valuable for the part taken by the financier. Davis R. Dewey, *Financial History of the United States* (*American Citizen Series*, 1903), contains a good brief treatment of the subject and a good critical bibliography. For the special subject, R. A. Bayley, *History of the National Loans of the United States*

(*Tenth Census of the United States*, XIII.), is very valuable. The general economic effects of the war are sketched in William B. Weeden, *Economic and Social History of New England* (2 vols., 1890).

DIPLOMATIC HISTORY

A select bibliography of American diplomacy in general is printed in Albert Bushnell Hart, *Foundations of American Foreign Policy* (1901). The foundation for diplomacy is either Jared Sparks's or Wharton's *Diplomatic Correspondence of the American Revolution*. The first volume of Wharton's edition is given up to an unwieldy introduction which discusses the diplomacy and the careers of the diplomats of the Revolution. Theodore Lyman, *Diplomacy of the United States* (2 vols., 1828), and William H. Trescot, *Diplomacy of the American Revolution* (1852), have both been superseded. Upon the relations with France the standard and monumental work is H. Doniol, *Historie de la Participation de la France a l'Établissement des États-Unis d'Amérique* (5 vols., 1886–1900). The original material in Doniol may be supplemented by J. Durand, *New Materials for the History of the American Revolution* (1889). The best use of the sources in Doniol by an American writer is Charlemagne Tower, *The Marquis de La Fayette in the American Revolution* (2 vols., 1895), wherein we have not only the best life of Lafayette but the clearest account of our relations with France. Lafayette, *Memoirs*, etc. (3 vols., 1837), constitute a useful source. The aid rendered by Beaumarchais is best studied in the charming biography by L. L. de Lomenie, *Beaumarchais and His Times* (Edwards's trans., 1857; Lyster's trans., 1895). Other biographies contain valuable treatments of some phases of the diplomacy: Edward Everett Hale, *Franklin in France* (2 vols., 1887–1888); William Jay, *Life of John Jay* (2 vols., 1833); John Adams, *Life with Works*, by C. F. Adams (10 vols., 1856); George Pellew, *John Jay* (1890); and R. H. Lee, *Life of Arthur Lee* (2 vols., 1829), the latter

a maze of garbled texts of original material and useless biography, unworthy of attention except that it is the only life of a man concerned in many important diplomatic matters. In addition to these lives there are valuable published papers and correspondence: H. P. Johnston, *The Correspondence and Public Papers of John Jay* (1890); Charles Isham, *The Deane Papers* (New York Historical Society, *Collections*, 5 vols., 1886–1890); *The Lee Papers* (in the same series, 4 vols., 1871–1874); *Letters of William Lee* (W. C. Ford's ed., 3 vols., 1892).

Among magazine articles which throw light on the foreign aid rendered to America are: J. Franklin Jameson, "St. Eustatius in the American Revolution," in *American Historical Review*, VIII., 683; Paul Haworth, "Frederick the Great and the American Revolution," in *American Historical Review*, IX., 460; Emil Reich, "A New View of the American Revolution," in *North American Review*, July, 1903. F. Rousseau, "Participation de l'Espagne a la Guerre d'Amérique," in *Revue des Questions Historiques*, October, 1902; Frederick J. Turner, "The Diplomatic Contest for the Mississippi Valley," in *Atlantic Monthly*, June, 1904. A valuable bibliography for this subject may be found in Laura C. Sheldon, *France and the American Revolution*, a Cornell thesis (1900).

POLITICAL CONDITIONS IN ENGLAND

The best sources for the political struggle in England during the war with America are the *Annual Register* (1759–1783); Almon, *Parliamentary Register* (1774–1783); Sir H. Cavendish, *Debates of the House of Commons* (3 vols., 1768–1774); *Historical Manuscripts Commission Reports*, 1–15; G. T. P. Albemarle, *Memoirs of the Marquis of Rockingham and His Contemporaries* (2 vols., 1852); the *Correspondence* and *Speeches* of Charles James Fox, Edmund Burke, and William Pitt; W. B. Donne, *Correspondence of George III. with Lord North* (2 vols., 1867); W. J. Smith, *The Grenville Papers* (4 vols., 1852). Sir William R.

Anson, *Autobiography of . . . Duke of Grafton . . .* (1898); Horace Walpole, *Journal of the Reign of King George III.* (Doran's ed., 2 vols., 1859); Earl of Malmesbury, *Diaries and Correspondence* (2 vols., 1844), and *Letters of David Hume to William Strahan* (G. Birkbeck Hill's ed., 1888).

The secondary works of value on this topic are the English histories mentioned above, among the general secondary works, to which may be added T. E. May, *Constitutional History of England* (2 vols., 1863), and J. R. Seeley, *Expansion of England* (1883). There is also much material in biographies like Lord John Russell, *Life and Times of C. J. Fox* (3 vols., 1859); E. G. P. Fitzmaurice, *Life of William, Earl of Shelburne* (3 vols., 1875); John Morley, *Edmund Burke* (1867), and his *Burke* in the *English Men of Letters* series (1888); L. Tyerman, *Life and Times of Rev. John Wesley* (3 vols., 1871); Lord John Campbell, *Lives of the Chief-Justices of England* (4 vols., 1874); J. H. Jesse, *George Selwyn and His Contemporaries* (4 vols., 1843). Finally, there is some very suggestive matter concerning public opinion in H. R. Fox Bourne, *English Newspapers* (1887).

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